

T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you were driving around the north end of
3 the park?

4 A No.

5 Q When you referred to the north end of the
6 park, from what street north were you
7 canvassing?

8 A North of 96th Street.

9 Q Can you describe in a general way what
10 route you took?

11 A In canvassing?

12 Q Yes.

13 A We went through all the foot paths and --
14 you know, all the routes we could to go
15 through all the dark areas, and, you know,
16 part of the park that weren't visible.

17 Q At any time did you see anybody or any
18 group that resembled what you had heard on
19 the radio?

20 A In the beginning, no.

21 Q And did you hear any other radio
22 communications while you were canvassing
23 the north end of the park?

24 A Yes.

25 Q What was the next radio communication that

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you heard?

3 A We got -- I heard our sergeant -- my
4 sergeant from Anti-Crime had a possible
5 group over at 100 Street and the West Drive
6 in the playground.

7 Q What is your sergeant's name?

8 A Sergeant Lyle.

9 Q What did you do when you heard that
10 communication?

11 A We responded to the area where he was.

12 Q Approximately what time was it that you
13 arrived at that playground?

14 A That was about a quarter to ten, 10:00.

15 Q Did you have a conversation with Officer
16 Alvarez at that location?

17 A Yes, I did.

18 Q Did he tell you whether he had seen
19 anything in the park?

20 A Yes.

21 Q What, if anything, did Officer Alvarez tell
22 you?

23 A He told me he saw a group of youths and
24 when they saw the radio car, they all ran.

25 Q Did he describe the number of the people in

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the group?

3 A He said he saw about seven to ten of them.

4 Q Did he indicate that he had seen a larger
5 group?

6 MR. MOORE: Objection.

7 MR. RIVERA: Objection.

8 MR. JOSEPH: Objection.

9 MR. BURNS: Objection.

10 MR. DILLER: Objection.

11 MR. BERMAN: Objection.

12 MR. MADDOX: Objection.

13 THE COURT: Sustained. Let him
14 testify.

15 Q What else did he tell you about the people
16 he saw?

17 A He stated they were male blacks and
18 Hispanics and they were in their teens.

19 Q Did he tell you where he had seen the
20 group?

21 A I believe he said he saw them on the east
22 side.

23 MR. MOORE: Objection.

24 THE COURT: I'll let him answer.

25 Q Was he able to tell you whether it was in

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that
18 location?

19 A Again we stayed in the north end and we
20 went through all the trails and the inaccessible
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication
25 after you had been at the playground where Sergeant

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3

Lyle was?

4

A Yes.

5

Q What was the communication that you heard then?

6

A That there was a male jogger found beaten and bleeding profusely from his head.

7

Q Where was that -- was there a location with respect to where that jogger was found?

8

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

9

Q Where were you when you got that communication, if you recall?

10

A I believe we were at the East Drive again and 102nd Street.

11

Q Did the communication given with respect to that jogger contain any information about any people?

12

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

13

Q Was there any further information about the assault?

14

A Yes, that they had fled north.

15

Q What, if anything, did you do after you heard that information?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 A At that point I decided to leave the park
3 and to start the canvas outside at Central Park West
4 at 100 Street.

5 Q Where did you leave the park?

6 A We left at 100th Street and Central Park
7 West.

8 Q Why did you leave the park at that time?

9 A Because I felt that the group was no longer
10 in the park. We had canvassed for quite a while and
11 the entire park was saturated with police vehicles.

12 Q Did you see other vehicles in the park
13 other than those you refer to at the East Drive and
14 102nd Street?

15 A Other than what I described earlier?

16 Q During the time you were canvassing the
17 park, other than what you already told us at the
18 East Drive and 102nd Street, did you see any other
19 police vehicles in the park?

20 A Just what I mentioned.

21 Q And when you were canvassing the north end
22 of the park, did you see any sign of other police
23 vehicles?

24 A Yes.

25 Q What did you see?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A As I was going through the fields, I could
3 see further north of me the headlights of the other
4 vehicles going back and forth also in search for the
5 group.

6 MS. LEDERER: With the permission of
7 the Court, I'd ask the witness to please
8 step down and approach People's 7 in
9 evidence.

10 (Witness complies)

11 Q Would you please point on People's 7 in
12 evidence and describe as you do, what area you're
13 possibly pointing to, indicate where you were
14 traveling and where you would see the other lights
15 from other vehicles?

16 A We saw the other lights --

17 THE COURT: Excuse me, Officer, I have
18 to remind you to speak as loud as you can
19 because everybody over on this side has to
20 hear you, and it is very difficult in this
21 courtroom.

22 THE WITNESS: Okay.

23 I saw headlights from the other police
24 cars going east and west across the
25 ballfields here on the north end. I was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I
3 could see that the ballfields in this area
4 was pretty well saturated with police cars
5 and there was probably no group in there
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some
10 legend on that map that describes the area
11 that you're in, please tell us what it is.
12 I see there is some writing on that map.
13 If you could tell us what it was, the area
14 that you say you were driving in.

15 THE WITNESS: This is the north
16 meadow, and it contains several baseball,
17 softball, and a football field and we
18 again, like I said, I had seen several
19 radio cars going back and forth and they
20 pretty well had the whole area covered. If
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just
25 tell us what you saw.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars
3 going back and forth and they had the area
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the
7 record, the record should reflect the area
8 of the North Meadow.

9 THE COURT: He covered the whole area
10 of the North Meadow.

11 Q When you stated earlier that you decided at
12 this time to leave the park, will you point out the
13 route you took to enter the park?

14 A We left here at 100 Street, going west
15 towards Central Park West.

16 Q What time was it, approximately, when you
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at
22 100th Street, just north of us, between 101st Street
23 and 102nd, on the west side of the street, we saw a
24 group of about 10, 15, male blacks and hispanics.
25 They were teenagers.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw
3 that group?

4 A What we -- what I did was we started to
5 drive northbound towards them to get a better look
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went
13 northbound on Central Park West approaching that
14 group?

15 A Well, we saw the group. They were all --
16 you know, walking together. We felt reasonably sure
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 MR. DILLER: Objection.

3 MR. BERMAN: Objection.

4 THE COURT: I'll allow that. Go
5 ahead.

6 THE WITNESS: At one point the group
7 had stopped --

8 MR. RIVERA: I didn't hear the
9 statement he didn't feel reasonably what?

10 THE COURT: Did not make out who they
11 were.

12 Q Continue.

13 A The group at one point stopped and they all
14 started to look our way and started to point at us
15 in the van, and I couldn't understand why because
16 nobody wouldn't really --

17 MR. MOORE: Objection.

18 THE COURT: Finish your answer.

19 THE WITNESS: Nobody generally makes
20 who we were.

21 MR. MOORE: Objection.

22 THE COURT: Objection sustained.

23 Don't tell us what people generally
24 do. Just tell us what happened here.

25 THE WITNESS: What I did was I looked

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

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2 to our right and a marked police three-
3 wheel scooter was on our right hand side
4 and that's what panicked them.

5 MR. MOORE: Objection.

6 MR. MADDOX: Objection.

7 THE COURT: Sustained. Just tell us
8 what you saw.

9 Q When you looked and saw in your sideview
10 mirror a scooter, where was this scooter?

11 A Right alongside the van on my side. It was
12 on the other side of us, from the group.

13 Q Who was on that scooter?

14 A Police Officer Flores.

15 Q What did you do when you became aware that
16 Police Officer Flores was pulling up besides you?

17 A Well, I felt -- it looked like the group
18 was going to run to me.

19 MR. MOORE: Objection.

20 MR. JOSEPH: Objection.

21 THE COURT: I'll allow it, go ahead.
22 Finish.

23 THE WITNESS: And I told my partner to
24 take the van and pull it up ahead of them
25 to cut them off so we can stop them.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to
6 102nd Street and CPW, Central Park West on the
7 southwest corner.

8 Q When you say the van was pulled up on the
9 southwest corner of 102nd and Central Park West, can
10 you describe exactly what position it was in in
11 relation to the sidewalk and the street of 102nd
12 Street?

13 A Okay. The van was facing west with the
14 headlights facing west towards the building. Then
15 my partner and myself got out of the van, we
16 identified ourselves. At that point the group
17 started to run except for two. Those two were
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let
23 me just go back for a second. The van that you were
24 describing, what color is the van?

25 A Green.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion
3 of the van?

4 A In the back two doors -- I'm sorry, there
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of
11 102nd Street and Central Park West, you say you both
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started
18 to run?

19 A We got out of the van and we approached the
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two
22 people. Did you at the time that you stopped them
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He
5 didn't stop them. They were already
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those
9 two?

10 A We placed them against the wall and
11 searched them.

12 Q Did you have your gun drawn when you got
13 out of the van?

14 A No.

15 Q When you say you placed them against the
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had
6 just come from his girlfriend's house and didn't
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he
12 just came from the movies with his
13 girlfriend and they watched the movie
14 "Leviathan".

15 Q Did either of them say anything about the
16 rest of the group?

17 A They stated they weren't with the group and
18 Steven Lopez stated, I quote, "The group had talked
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of
4 those two people say anything with respect to the
5 rest of the group I believe your answer began, "They
6 said," could you tell us exactly what either one of
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that
12 they weren't with the group and they didn't
13 know any of the others that had run. They
14 stated that they were walking ahead of them
15 and --

16 MR. RIVERA: Objection, your Honor,
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said
20 to you when he was stopped at 102nd Street and
21 Central Park West?

22 A Raymond Santana said he wasn't with the
23 group and he had just come from his girlfriend's
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 that time?

3 A He stated he also was not with the group,
4 that he had just come from his -- he had just come
5 from the movies with his girlfriend and they watched
6 the picture "Leviathan" and he also stated, and I
7 quote, "Talked shit about ripping off -- ripping
8 them off."

9 Q Did you ask either Defendant Lopez or
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe
13 how the group was in relation to the other members
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central
19 Park West, would you describe the relation of the
20 group with one to the other?

21 A It was a homogenized group. They were
22 altogether and they were all walking northbound.
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of
25 the street, approximately how much of the block was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and
5 Santana, if you remember, in relation to the others
6 in the group?

7 A They were in the group because the group
8 was altogether.

9 Q What, if anything, happened after Lopez and
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east
21 and the group was ahead of him and they ran into the
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between
24 the time you saw him disappear from your sight going
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into
5 the park?

6 A Yes, I saw him run and jump over the wall
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the
9 defendants."

10 THE COURT: Yes, Objection sustained
11 as to "after the defendants."

12 Q Did you see how many people were running in
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The
23 area on Central Park West, near 101st and 102nd, to
24 your knowledge are there any movie theaters in that
25 area?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that
4 area?

5 A No -

6 MR. MADDOX: Judge, may I ask if he
7 could repeat the question and answer?

8 THE COURT: Read the question and
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West
12 in that area?

13 A No. There's just a grocery store further
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when
16 he went into the park, what was the next thing that
17 happened?

18 A I stood on the corner with Raymond Santana
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No -

22 Q And where was the van?

23 A The van was right where we left it on 102nd
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not
4 with the rest of them.

5 Q When you say they kept saying that, who
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about
25 a quarter to eleven?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: Sergeant Wheeler and
3 Police Officer Morales pulled over after
4 the call over the radio for a unit to pick
5 up the two.

6 Q What happened when they responded?

7 A They responded over and we placed them into
8 the car.

9 Q Placed whom in the car?

10 A Steven Lopez and Raymond Santana.

11 Q And what did you do at that point?

12 A I went with Police Officer Powers into the
13 van, and we drove back to 100 Street and Central
14 Park West to confer with our sergeant.

15 Q When Raymond Santana and Steve Lopez were
16 put in the car with the sergeant, did you see where
17 they went?

18 A They went to 100 Street and Central Park
19 West.

20 Q And when you arrived at 100 Street and
21 Central Park West, were Raymond Santana and Steve
22 Lopez there?

23 A Yes.

24 Q Were they in the car or outside of the car?

25 A They were in the car.

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And at what corner of that intersection
3 were you at?

4 A The northeast corner.

5 Q When you arrived at that location, who did
6 you arrive with?

7 A Police Officer Powers.

8 Q And who was already at that location?

9 A Sergeant Lyle and Police Officer Hennigan
10 and the other officers.

11 Q And did you see anybody in custody other
12 than Raymond Santana and Steve Lopez?

13 A Yes.

14 Q Who did you see at that time?

15 A I saw Kevin Richardson, Lamont McCall and
16 Clarence Thomas.

17 Q Where did you see them?

18 A In the back of the radio car.

19 Q Were all three in the same radio car?

20 A I believe so. I'm not sure.

21 Q Was there a discussion at 100 Street and
22 Central Park West?

23 A Yes, there was.

24 Q And what was the nature of the conversation
25 had there?

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T3-1f

355

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A I discussed with our sergeant -- I was told
3 that three of the defendants had made statements.

4 MR. MOORE: Objection.

5 THE COURT: I will allow it.

6 A I was told three defendants had made
7 statements placing themselves at the attack of Mr.
8 Loughlin at 96th Street.

9 Q Who told you that?

10 A I was told that by Police Officer Powers
11 and Sergeant Lyle.

12 Q And at that time was there a discussion at
13 100 Street and Central Park West?

14 A Yes.

15 Q Was there a discussion about doing a show-
16 up?

17 A Yes.

18 Q And was a show-up conducted with John
19 Loughlin at that time?

20 A No.

21 Q How long did you stay at 100 Street and
22 Central Park West?

23 A I'd say about ten minutes; ten, fifteen
24 minutes.

25 Q During that time were you out of the van or

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NYCLD_023101

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 comfortably on the floor of the precinct than at
3 home?

4 MS. LEDERER: Objection.

5 THE COURT: Sustained.

6 Q Now, you told us on direct that about four
7 in the morning, Lieutenant McInerney told you a
8 woman's body had been discovered in the park?

9 A I believe that's the approximate time.

10 MR. BURNS: I didn't hear that question
11 and answer.

12 THE COURT: Read it back.

13 (The court reporter read back the
14 requested portion of the record.)

15 Q And Lieutenant McInerney told you to keep
16 the kids for questioning about that, didn't he?

17 A He stated that the detectives wanted to
18 speak to them.

19 Q And you understood that to mean to keep the
20 kids for questioning about that woman, right?

21 A That's correct.

22 Q Now, you have told us by what time was it
23 that Santana's grandmother arrived approximately?

24 A Let's see. It was after four.

25 Q But by 4:30 she was there, right?

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Linda Fairstein

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1	at two precincts.	15:45:53
2	Q. Others were concerned about what	15:45:56
3	else?	15:45:59
4	A. Other officers I didn't know who	15:45:59
5	were in a similar position, who were not	15:46:06
6	being interviewed and expressed to my	15:46:09
7	former colleagues that they had	15:46:14
8	information they wanted to give to her,	15:46:17
9	her being Ms. Ryan.	15:46:20
10	Q. Do you know what officers	15:46:22
11	communicated with your former colleagues	15:46:24
12	to express that opinion or those opinions?	15:46:26
13	A. As I sit here today, I don't	15:46:29
14	know. I knew in 19 -- I'm sorry, I knew	15:46:31
15	some of the names in 2002.	15:46:36
16	Q. Did you take notes when you were	15:46:38
17	having these conversations with people in	15:46:40
18	the District Attorney's office who were	15:46:42
19	expressing their concern?	15:46:43
20	A. Not that I can think of.	15:46:46
21	Q. I guess we can go to April 20th	15:46:49
22	now for awhile. Fiston called you what	15:47:15
23	time in the morning?	15:47:22
24	A. As I recall, between 8:30 and	15:47:24
25	nine o'clock in the morning.	15:47:27

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Linda Fairstein

		Page 222
1	Q. At that time, did you know	15:47:29
2	anything about the events in Central Park	15:47:32
3	on April 19th?	15:47:35
4	A. I don't believe that I did.	15:47:36
5	Q. You saw nothing on television,	15:47:38
6	you heard nothing from other sources?	15:47:41
7	A. I didn't see anything on	15:47:44
8	television the night of the 19th. I may	15:47:46
9	have heard a news, radio news report in	15:47:50
10	the morning, not about a rape, but about a	15:47:53
11	riot.	15:47:58
12	Q. Do you know why Fiston called?	15:47:59
13	A. Yes, I do.	15:48:05
14	Q. Why?	15:48:06
15	A. He called me shortly before nine	15:48:07
16	to tell me that a woman had been found	15:48:10
17	beaten, and presumably because of her	15:48:22
18	state of undress, sexually assaulted in	15:48:24
19	the ravine, and he had been called in	15:48:28
20	because there had been no sexual assault	15:48:34
21	allegation until that woman reached the	15:48:38
22	hospital.	15:48:40
23	Q. What else did he tell you?	15:48:41
24	A. He told me that the woman was as	15:48:47
25	yet unidentified, and he asked me in the	15:48:52

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1	usual course of prosecutorial business if	15:48:57
2	I would assign a prosecutor to work on the	15:49:00
3	prosecutorial events that might happen	15:49:06
4	later in the day because there were	15:49:14
5	already were suspects being questioned.	15:49:16
6	Q. Did you make any notes about	15:49:22
7	this conversation?	15:49:24
8	A. No.	15:49:25
9	Q. Did you create any memorandum	15:49:25
10	afterwards about this conversation?	15:49:29
11	A. Not that I recall.	15:49:30
12	Q. Did he tell you anything else?	15:49:31
13	A. At that time, only that we	15:49:35
14	discussed that I would get back to him	15:49:39
15	with the name and number of the Assistant	15:49:41
16	DA, and that I would tell the District	15:49:44
17	Attorney.	15:49:46
18	Q. Did you understand that Fiston	15:49:46
19	was calling you in line with the	15:49:48
20	arrangement that you and Morgenthau had	15:49:50
21	made, that whenever there was a rape in	15:49:53
22	New York City, you should be contacted?	15:49:55
23	A. Not exactly.	15:49:57
24	Q. Why do you say that?	15:49:58
25	A. Because it was not just a call	15:50:00

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1	to give me information. It was a call in	15:50:04
2	which he was asking for the help that we	15:50:07
3	provide in the instant moment.	15:50:12
4	Q. Fiston was calling you, right,	15:50:14
5	right?	15:50:17
6	A. Fiston did call me.	15:50:17
7	Q. Right?	15:50:19
8	A. Yes, sir.	15:50:21
9	Q. And the reason Fiston called you	15:50:21
10	about a rape was the arrangement you and	15:50:24
11	Morgenthau had made with Fiston that you	15:50:27
12	should be called about every rape; is that	15:50:29
13	correct?	15:50:32
14	MS. DAITZ: Objection.	15:50:32
15	A. No, sir.	15:50:32
16	Q. Why is that not correct?	15:50:33
17	MS. DAITZ: Let her answer the	15:50:35
18	question this time.	15:50:37
19	Q. Why is that not correct?	15:50:37
20	A. Because the practice that	15:50:39
21	Morgenthau and I had requested to have	15:50:41
22	with Mr. Fiston and other officers was for	15:50:45
23	the information of a case.	15:50:49
24	So if a rape had happened on	15:50:50
25	4/15 on East 30th Street and it wasn't	15:50:51

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1	solved, we'd know and have it under our	15:50:55
2	roof as well.	15:51:00
3	On this morning when he called	15:51:01
4	me, he was calling to ask me to assign a	15:51:03
5	prosecutor now for the purpose, as we ride	15:51:06
6	homicides and sex crimes as the expression	15:51:13
7	is called, to have a prosecutor to be	15:51:15
8	available to him within hours to help with	15:51:19
9	the prosecutorial steps that would be	15:51:21
10	taken at the station house.	15:51:24
11	Q. So it's your answer that the	15:51:26
12	call that Fiston made to you had no	15:51:29
13	connection with the arrangements that you	15:51:32
14	and Morgenthau had made with Fiston to	15:51:33
15	call and advise you about a rape, whether	15:51:37
16	or not a person had been arrested?	15:51:39
17	MS. DAITZ: Objection. You can	15:51:41
18	answer.	15:51:43
19	A. Those are not my words, sir. I	15:51:43
20	didn't say they had no connection. I said	15:51:46
21	this was for a much more urgent purpose.	15:51:48
22	It might also have served that use, hello,	15:51:51
23	this is the event that happened this	15:51:55
24	morning.	15:51:57
25	On top of that, there was a much	15:51:58

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1 more urgent need. He wanted a prosecutor 15:52:00
 2 assigned, that was the main purpose of the 15:52:04
 3 call. 15:52:06

4 Q. Did he tell you that it appeared 15:52:06
 5 that a homicide was involved? 15:52:08

6 A. No, he didn't tell me that. He 15:52:09
 7 told me that the victim was in very grave 15:52:12
 8 condition. 15:52:18

9 Q. The question I think I forgot to 15:52:19
 10 ask you earlier when you spoke of one 15:52:21
 11 person who had knowledge about the 15:52:23
 12 investigation from Ryan, who was that? 15:52:26

13 A. Lisa Friel. 15:52:30

14 Q. Did you know what she had 15:52:31
 15 learned from Ryan and how she knew about 15:52:36
 16 it? 15:52:38

17 A. I knew some of the things she 15:52:39
 18 learned from Ryan. 15:52:42

19 Q. What did you learn from Friel? 15:52:43

20 A. I knew from Friel the point at 15:52:45
 21 which Ryan no longer wanted Mooney 15:52:55
 22 involved in the investigation. 15:52:59

23 I knew from Friel that she, that 15:53:00
 24 on a day, I came to know from Friel that 15:53:03
 25 on a date that Ryan arranged with Mooney 15:53:08

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OPINION

The Racially Charged Meaning Behind The Word 'Thug'

April 30, 2015 · 5:25 PM ET

Heard on All Things Considered

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NPR's Melissa Block speaks to John McWhorter, associate professor of English and comparative literature at Columbia University, about the use of the word "thug" to describe Baltimore rioters.

MELISSA BLOCK, HOST:

A certain five-letter word has been used repeatedly over the last few days.

(SOUNDBITE OF ARCHIVED RECORDING)

MAYOR STEPHANIE RAWLINGS-BLAKE: ...The thugs who only want to incite violence...

(SOUNDBITE OF ARCHIVED RECORDING)

GOVERNOR LARRY HOGAN: ...Our city of Baltimore to be taken over by thugs...

(SOUNDBITE OF ARCHIVED RECORDING)

PRESIDENT BARACK OBAMA: ...And thugs who tore up the place.

BLOCK: Thugs, the word chosen by President Obama, Maryland's governor, Baltimore's mayor and others to describe those who looted and burned stores in Baltimore and in some cases that were later retracted with an apology. So why is thug so charged? John McWhorter has been thinking about this. He teaches linguistics at Columbia University and often writes about language and race. Welcome back to the program.

JOHN MCWHORTER: Thank you, Melissa.

BLOCK: John, I've been looking at the Merriam-Webster definition of thug, and it describes it as a brutal ruffian or assassin. What's the origin of this word?

MCWHORTER: Well, the word originates in India as a word for roughly that. And because the British ran India for a good long time, the word jumped the rails from Indian languages to English, and that's the reason that we in America have used the word for a very long time. And until rather recently, it did mean what you might call a ruffian, but of course, things have changed.

BLOCK: Well, how have they changed?

MCWHORTER: Well, the truth is that thug today is a nominally polite way of using the N-word. Many people suspect it, and they are correct. When somebody talks about thugs ruining a place, it is almost impossible today that they are referring to somebody with blond hair. It is a sly way of saying there go those black people ruining things again. And so anybody who wonders whether thug is becoming the new N-word doesn't need to. It's most certainly is.

BLOCK: Although, if you think about it, I mean, in two of the pieces of tape that we played, we heard from an African-American mayor of Baltimore and an African-American president of the United States using that word.

MCWHORTER: Yep, and that is because just like the N-word, we have another one of these strangely bifurcated words. Thug in the black community, for about the past 25 to 30 years, has also meant ruffian, but there is a tinge of affection. A thug in black people's speech is somebody who is a ruffian but in being a ruffian is displaying a

healthy sort of countercultural initiative, displaying a kind of resilience in the face of racism etc. Of course nobody puts it that way, but that's the feeling. And so when black people say it, they don't mean what white people mean, and that's why I think Stephanie Rawlings-Blake and Barack Obama saying it means something different from the white housewife wherever who says it.

BLOCK: You're saying that African-American, in this case, politicians, who use the word thug should be given a pass because they understand it in a different way? I mean, the mayor certainly walked back her use of the word. She didn't want to be associated with it. She said, you know, I spoke out of frustration. They're really misguided young people.

MCWHORTER: No because I think that if an African-American woman uses the word thug today, we're not always conscious of all of these overtones in the words that we use. But I think that when she said that, she didn't mean it the same way as her white equivalent would. The word means two things, just like the N-word. And I think all of us are sophisticated enough to wrap our heads around that.

BLOCK: When do you see a turning point in how the word thug is used in our culture?

MCWHORTER: Well, it seems to have made a major change with the rise in popularity and cultural influence of rap music and the iconography connected with that. I would say that the word thug in the black community had a very different meaning by 1990 than it had had in 1980. But that thug image has never been a purely negative model. It's always been part ruffian and part hero.

BLOCK: I'm thinking of Tupac Shakur who had thug life tattooed across his stomach, I think.

MCWHORTER: Exactly, and Tupac Shakur is thought of as a god by many people. If he was a thug, then clearly if a black person says thugs were messing up the neighborhood, then they mean something other than reprehensible, shall we say, N-word. We have different races in this country, and different races have different ways of using language. Thug ends up straddling different subcultures.

BLOCK: The word thug also - I can think of a number of other applications. I mean, folks on the far right might talk about jackbooted government thugs coming to take over our communities

MCWHORTER: That was the original meaning. It changed though. One of the things that Americans have a whole lot of trouble with - actually, that people in developed societies with written languages have trouble with - is that words never keep their meanings over time. A word is a thing on the move. A word is a process. And that's what's so confusing about the N-word. And that's what's so confusing now about this word, thug. Any discussion where we pretend that it only means one thing is just going to lead to dissension and confusion.

BLOCK: There are a lot of people now, John, who are saying, you know, why - and probably listening to this conversation saying, why are you talking about the meaning of this word, thug? That is really the wrong question to be asking and the wrong thing to be focusing on right now.

MCWHORTER: (Laughter). Well, to tell you the truth, my interest in all of these events is what made these whatever-you-want-to-call-thems rise up the way they did. And as far as I'm concerned, I feel that although the rioters were not articulate - they were not performing anything that I would call an exactly coherent action, the fact that this has happened is symptomatic of severe problems in Baltimore and similar cities. And the problem is the relationship between the police and young black men. Now, is it justified to tear up your own neighborhood to protest against it? I would say not. But the fact that it's happened is something that I think we can use as a possible turning point because I really believe that if a generation of young black men grew up in this country without thinking of the cops as the enemy, then America would really start turning a corner on race.

But nevertheless, thug is an interesting word, and to the extent that we need to be able to hear it as more than some antique, static, dictionary definition, then I think that that's part of the process of healing as well. Black people saying thug is not like white people saying thug.

BLOCK: John McWhorter, thanks for talking to us.

MCWHORTER: Thank you.

BLOCK: John McWhorter teaches linguistics, American studies and music at Columbia University. His latest book is "The Language Hoax."

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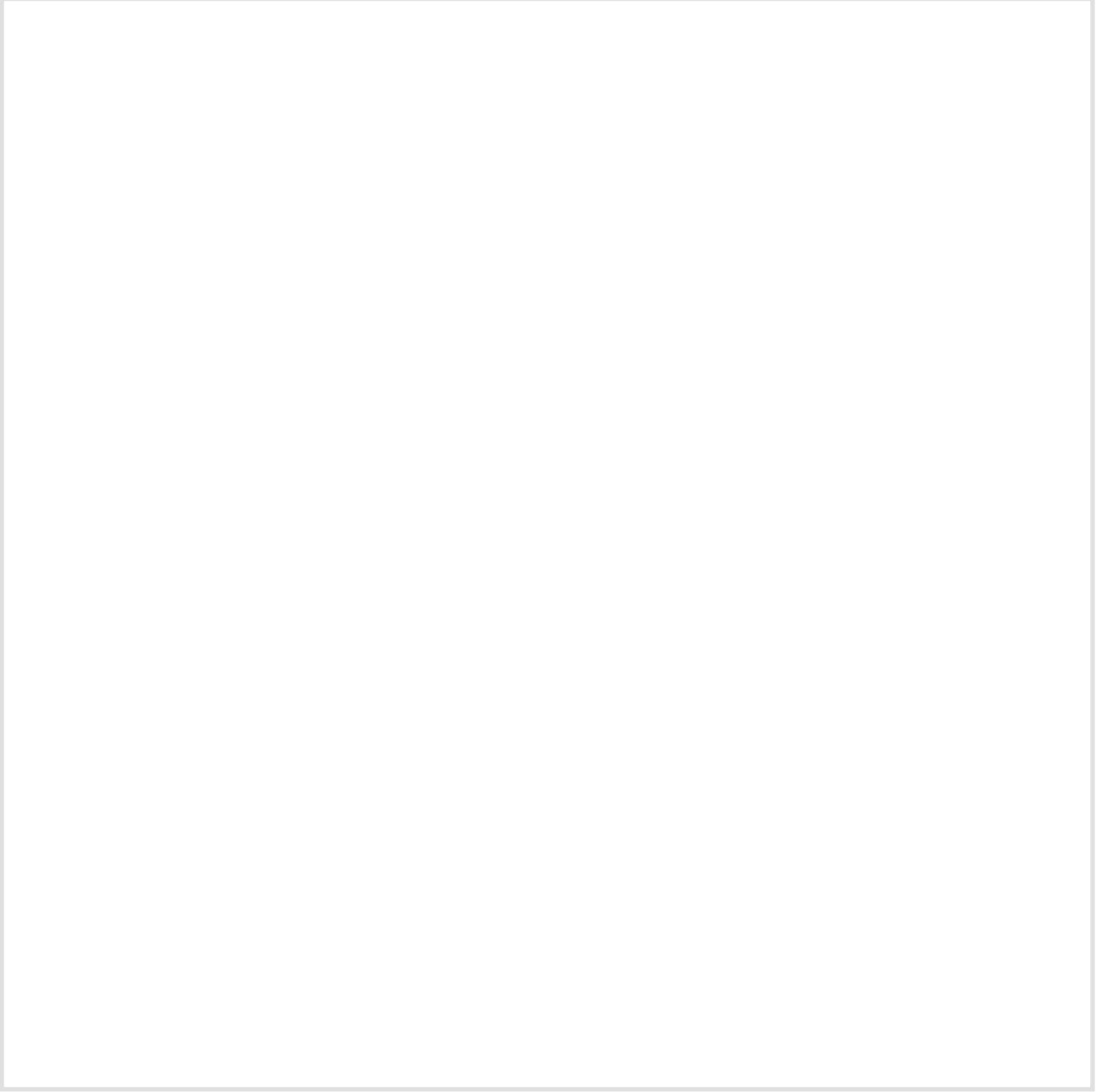
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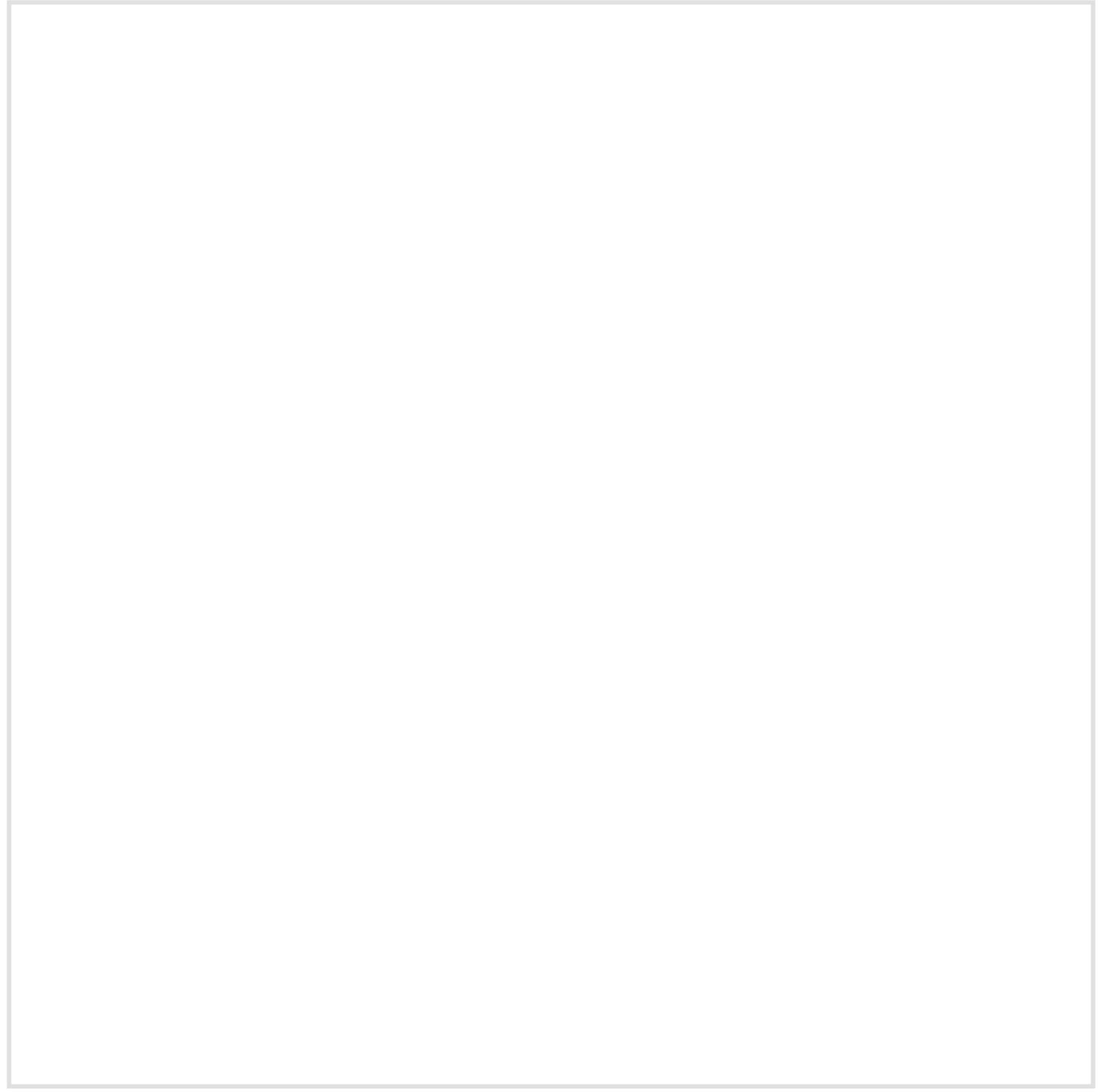
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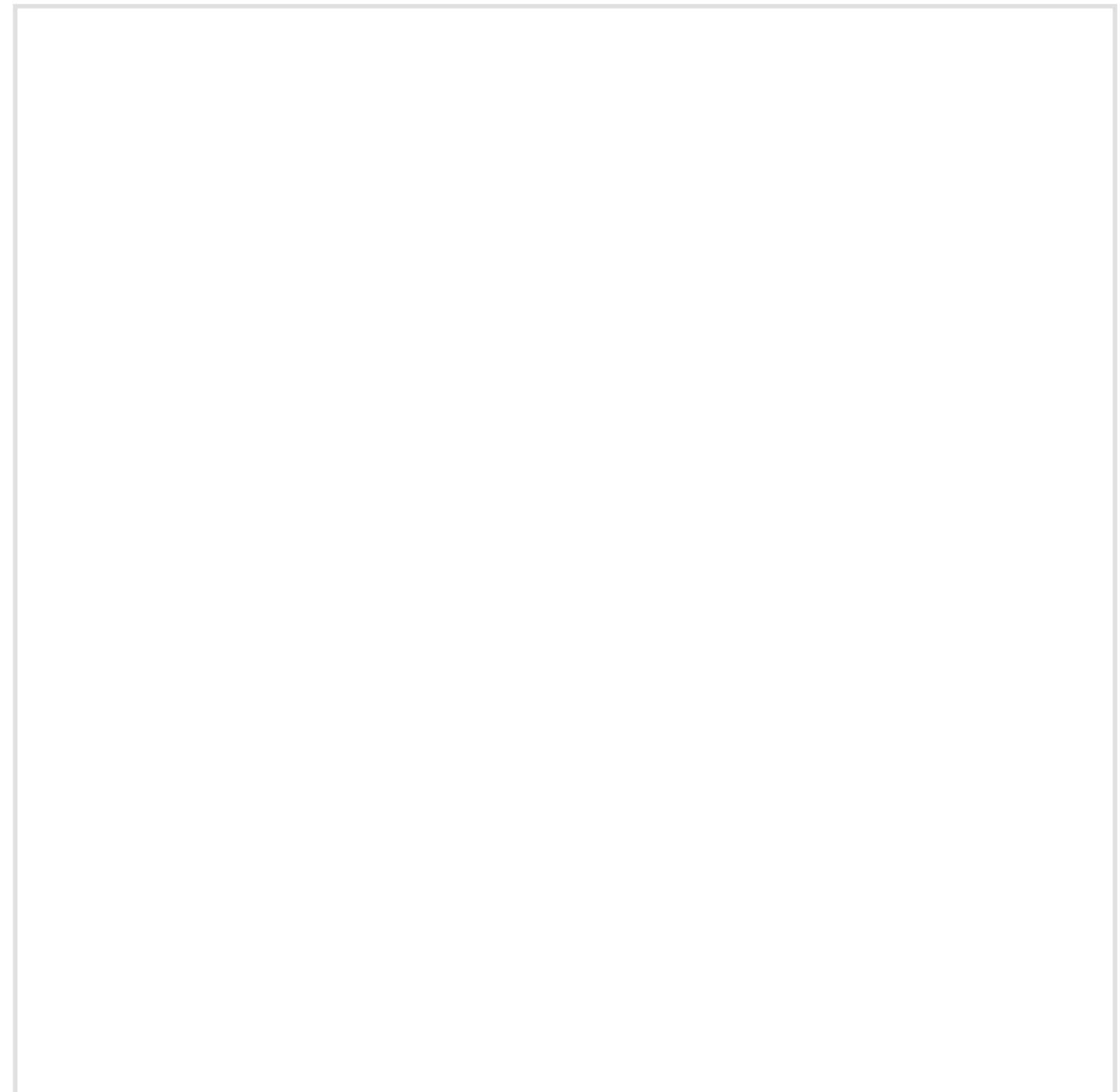
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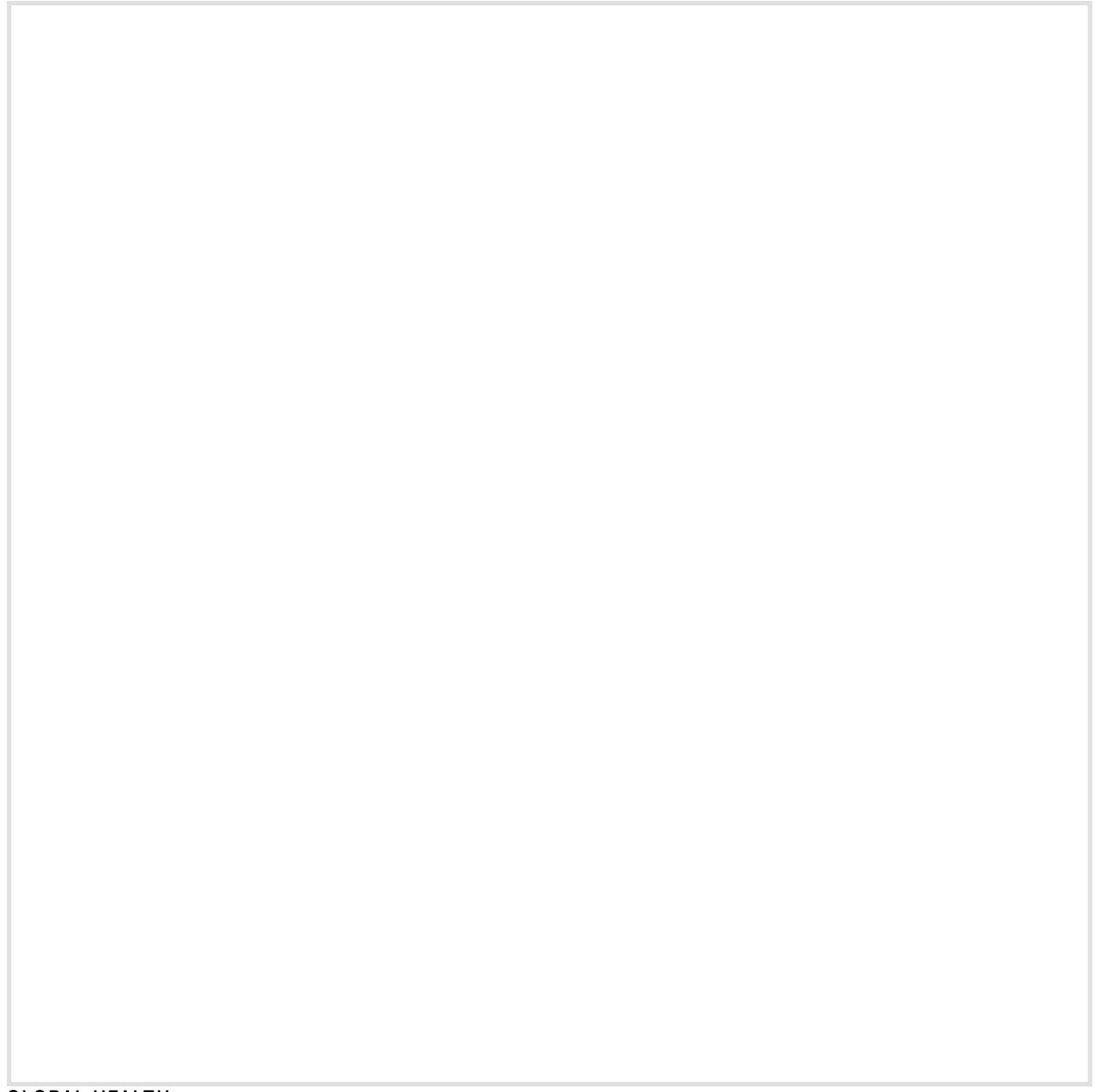
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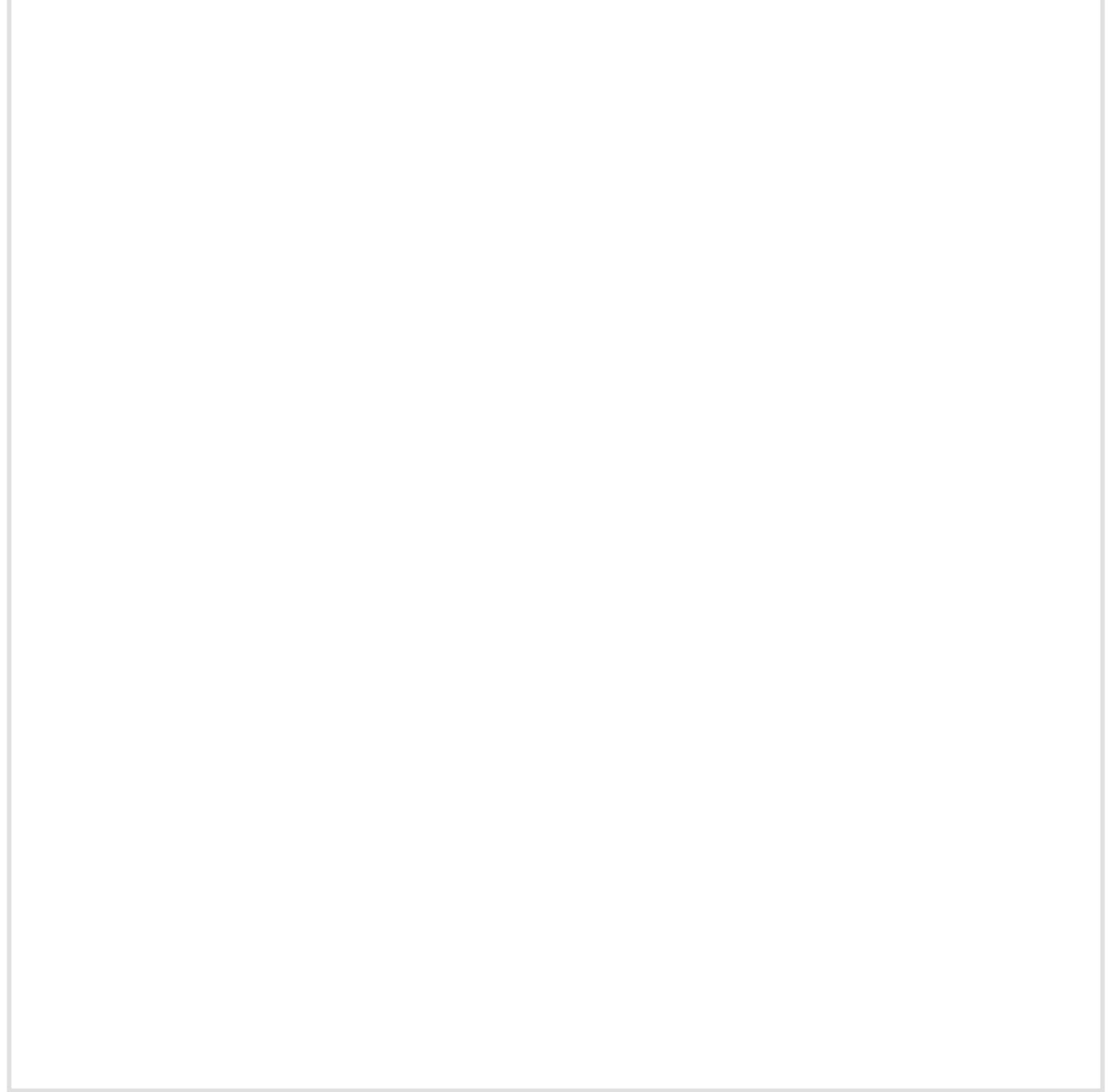
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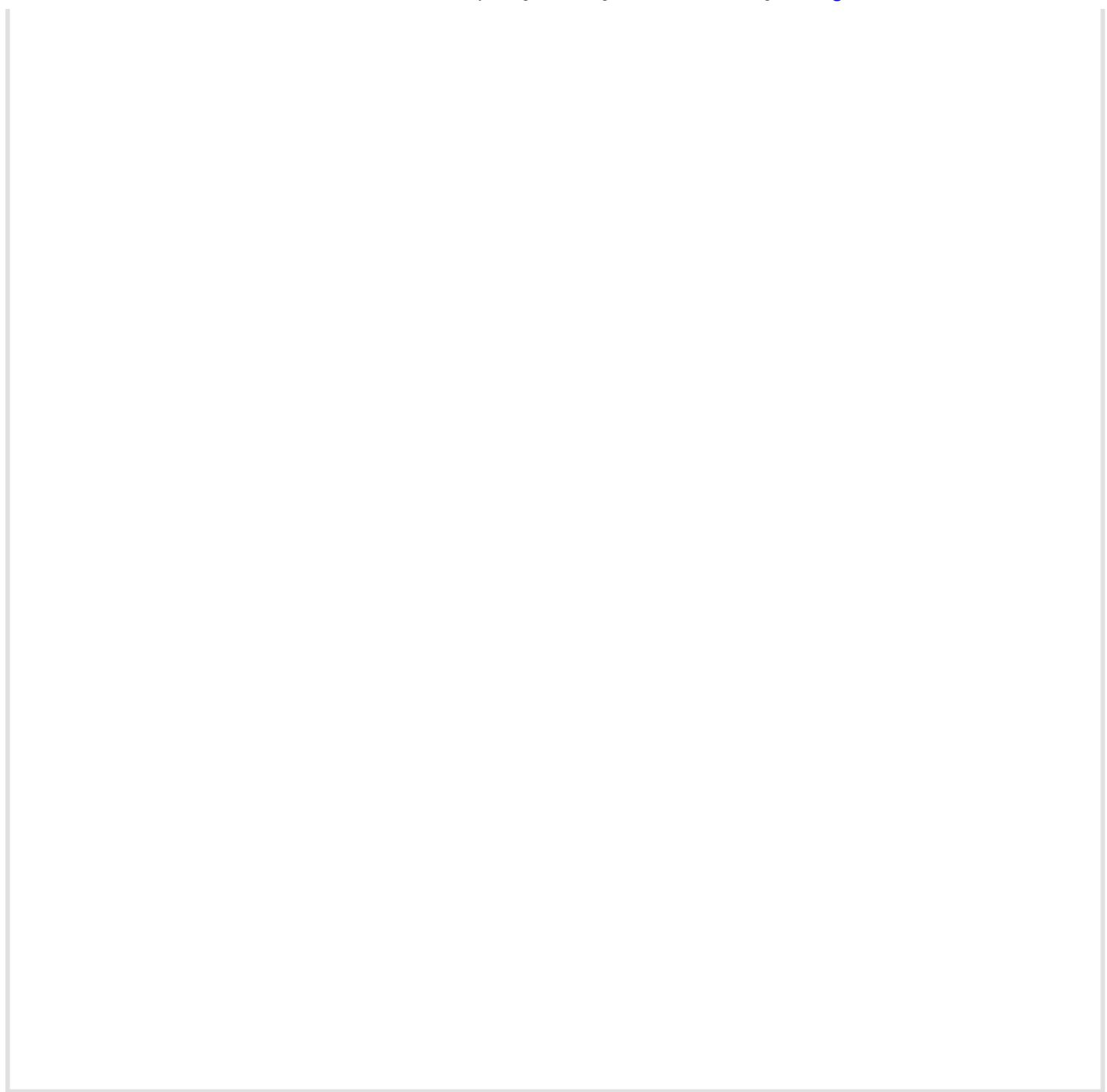
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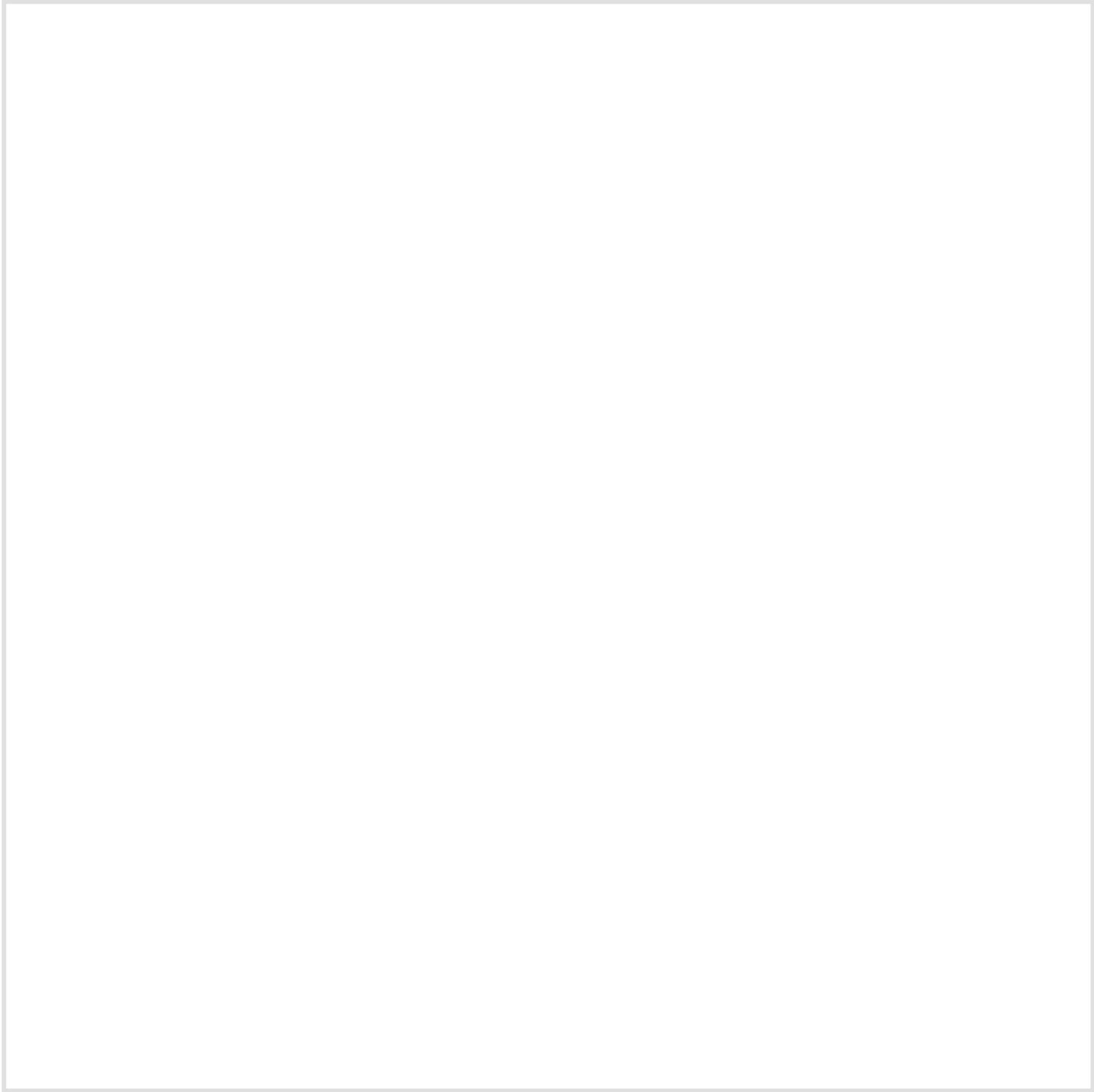
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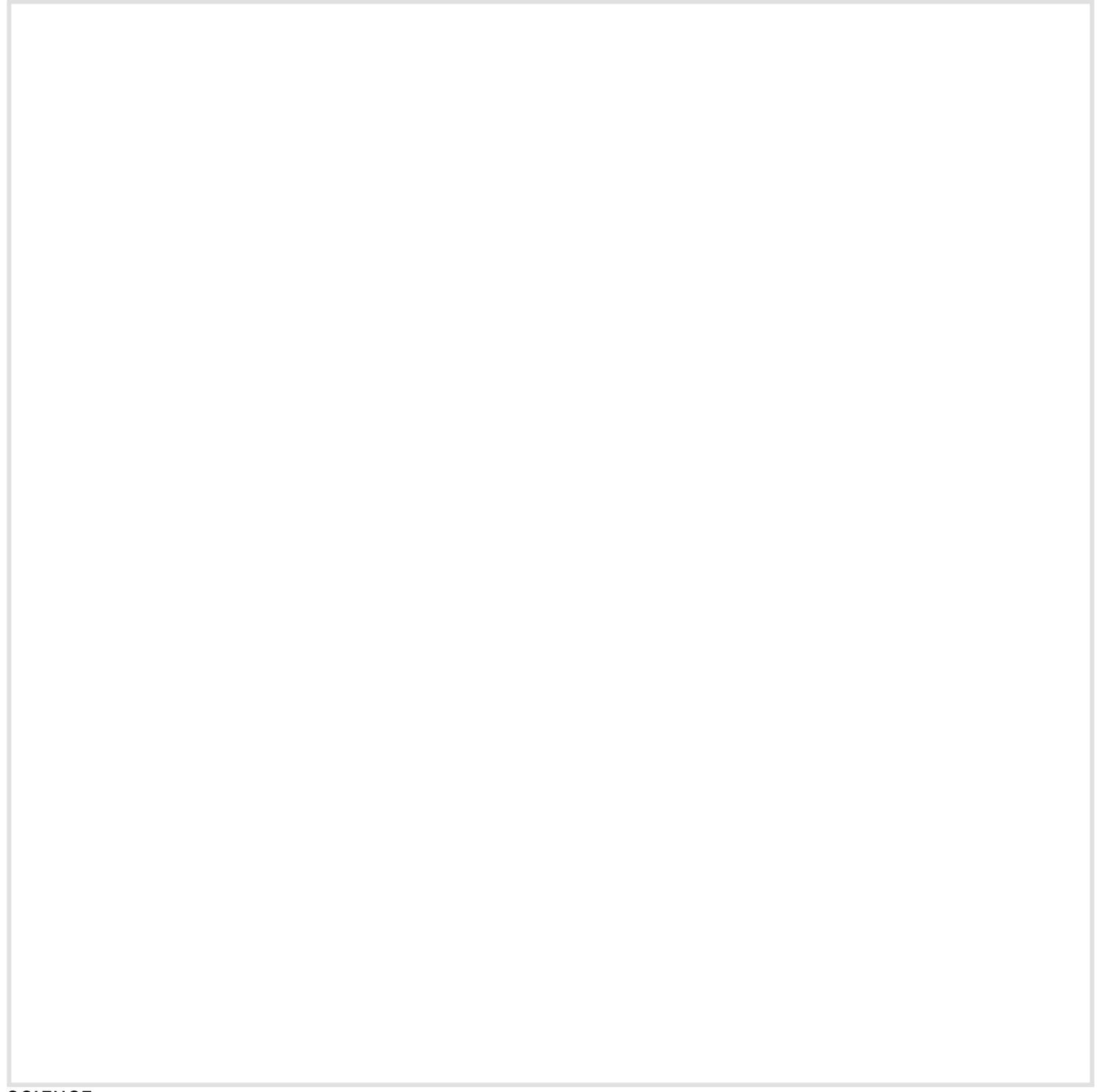
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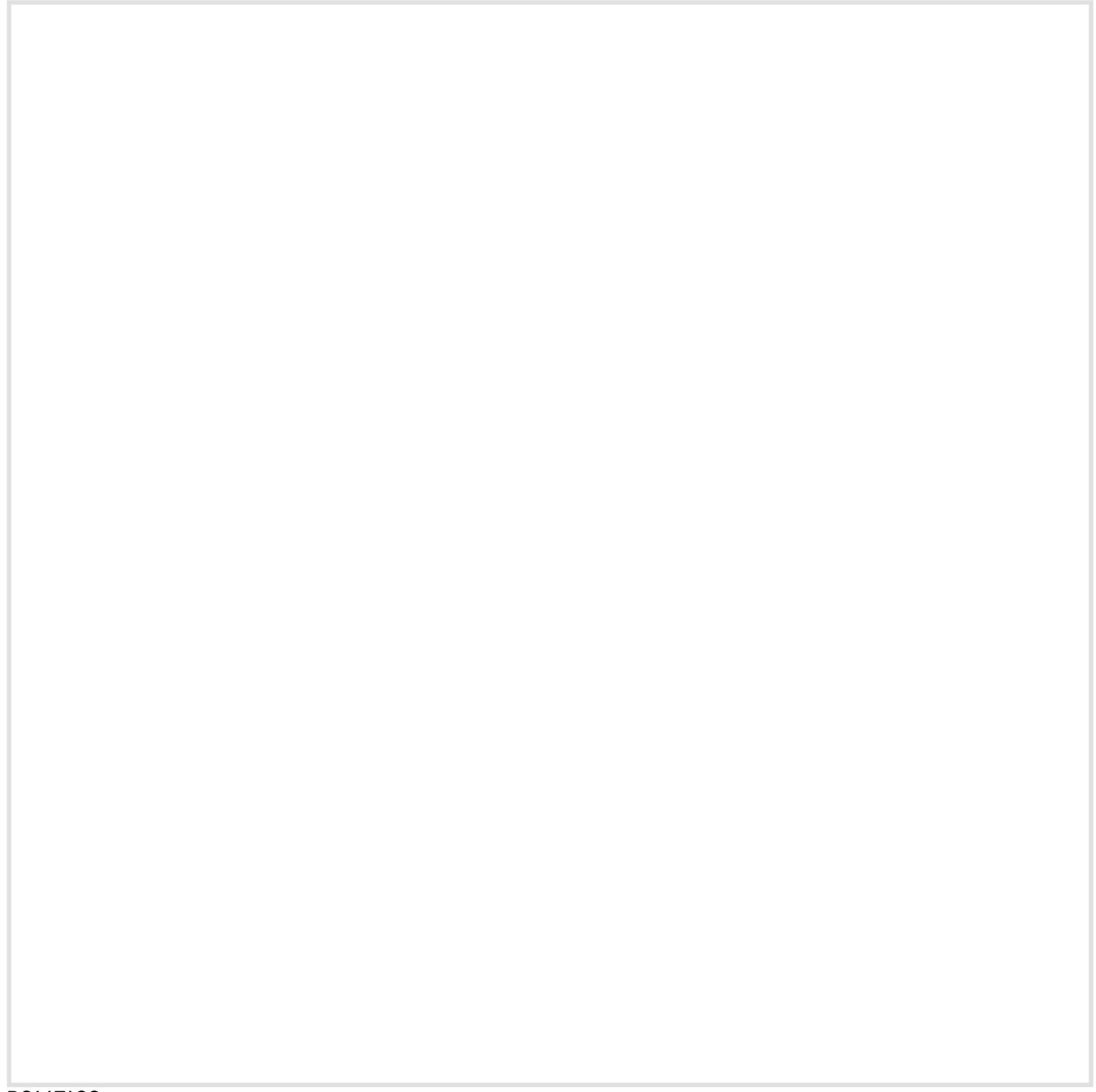
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T2-fr

334

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that
18 location?

19 A Again we stayed in the north end and we
20 went through all the trails and the inaccessible
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication
25 after you had been at the playground where Sergeant

10/13/89

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P-APP002477

T2-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

10/13/89

NYCLD_023081

P-APP002478

T2-fp

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 A At that point I decided to leave the park
3 and to start the canvas outside at Central Park West
4 at 100 Street.

5 Q Where did you leave the park?

6 A We left at 100th Street and Central Park
7 West.

8 Q Why did you leave the park at that time?

9 A Because I felt that the group was no longer
10 in the park. We had canvassed for quite a while and
11 the entire park was saturated with police vehicles.

12 Q Did you see other vehicles in the park
13 other than those you refer to at the East Drive and
14 102nd Street?

15 A Other than what I described earlier?

16 Q During the time you were canvassing the
17 park, other than what you already told us at the
18 East Drive and 102nd Street, did you see any other
19 police vehicles in the park?

20 A Just what I mentioned.

21 Q And when you were canvassing the north end
22 of the park, did you see any sign of other police
23 vehicles?

24 A Yes.

25 Q What did you see?

10/13/89

NYCLD_023082

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A As I was going through the fields, I could
3 see further north of me the headlights of the other
4 vehicles going back and forth also in search for the
5 group.

6 MS. LEDERER: With the permission of
7 the Court, I'd ask the witness to please
8 step down and approach People's 7 in
9 evidence.

10 (Witness complies)

11 Q Would you please point on People's 7 in
12 evidence and describe as you do, what area you're
13 possibly pointing to, indicate where you were
14 traveling and where you would see the other lights
15 from other vehicles?

16 A We saw the other lights --

17 THE COURT: Excuse me, Officer, I have
18 to remind you to speak as loud as you can
19 because everybody over on this side has to
20 hear you, and it is very difficult in this
21 courtroom.

22 THE WITNESS: Okay.

23 I saw headlights from the other police
24 cars going east and west across the
25 ballfields here on the north end. I was

10/13/89

NYCLD_023083

P-APP002480

T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I
3 could see that the ballfields in this area
4 was pretty well saturated with police cars
5 and there was probably no group in there
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some
10 legend on that map that describes the area
11 that you're in, please tell us what it is.
12 I see there is some writing on that map.
13 If you could tell us what it was, the area
14 that you say you were driving in.

15 THE WITNESS: This is the north
16 meadow, and it contains several baseball,
17 softball, and a football field and we
18 again, like I said, I had seen several
19 radio cars going back and forth and they
20 pretty well had the whole area covered. If
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just
25 tell us what you saw.

10/13/89

NYCLD_023084

P-APP002481

T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars
3 going back and forth and they had the area
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the
7 record, the record should reflect the area
8 of the North Meadow.

9 THE COURT: He covered the whole area
10 of the North Meadow.

11 Q When you stated earlier that you decided at
12 this time to leave the park, will you point out the
13 route you took to enter the park?

14 A We left here at 100 Street, going west
15 towards Central Park West.

16 Q What time was it, approximately, when you
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at
22 100th Street, just north of us, between 101st Street
23 and 102nd, on the west side of the street, we saw a
24 group of about 10, 15, male blacks and hispanics.
25 They were teenagers.

10/13/89

NYCLD_023085

P-APP002482

T2-fr

340

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw
3 that group?

4 A What we -- what I did was we started to
5 drive northbound towards them to get a better look
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went
13 northbound on Central Park West approaching that
14 group?

15 A Well, we saw the group. They were all --
16 you know, walking together. We felt reasonably sure
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 MR. DILLER: Objection.

3 MR. BERMAN: Objection.

4 THE COURT: I'll allow that. Go
5 ahead.

6 THE WITNESS: At one point the group
7 had stopped --

8 MR. RIVERA: I didn't hear the
9 statement he didn't feel reasonably what?

10 THE COURT: Did not make out who they
11 were.

12 Q Continue.

13 A The group at one point stopped and they all
14 started to look our way and started to point at us
15 in the van, and I couldn't understand why because
16 nobody wouldn't really --

17 MR. MOORE: Objection.

18 THE COURT: Finish your answer.

19 THE WITNESS: Nobody generally makes
20 who we were.

21 MR. MOORE: Objection.

22 THE COURT: Objection sustained.

23 Don't tell us what people generally
24 do. Just tell us what happened here.

25 THE WITNESS: What I did was I looked

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

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2 to our right and a marked police three-
3 wheel scooter was on our right hand side
4 and that's what panicked them.

5 MR. MOORE: Objection.

6 MR. MADDOX: Objection.

7 THE COURT: Sustained. Just tell us
8 what you saw.

9 Q When you looked and saw in your sideview
10 mirror a scooter, where was this scooter?

11 A Right alongside the van on my side. It was
12 on the other side of us, from the group.

13 Q Who was on that scooter?

14 A Police Officer Flores.

15 Q What did you do when you became aware that
16 Police Officer Flores was pulling up besides you?

17 A Well, I felt -- it looked like the group
18 was going to run to me.

19 MR. MOORE: Objection.

20 MR. JOSEPH: Objection.

21 THE COURT: I'll allow it, go ahead.

22 Finish.

23 THE WITNESS: And I told my partner to
24 take the van and pull it up ahead of them
25 to cut them off so we can stop them.

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to
6 102nd Street and CPW, Central Park West on the
7 southwest corner.

8 Q When you say the van was pulled up on the
9 southwest corner of 102nd and Central Park West, can
10 you describe exactly what position it was in in
11 relation to the sidewalk and the street of 102nd
12 Street?

13 A Okay. The van was facing west with the
14 headlights facing west towards the building. Then
15 my partner and myself got out of the van, we
16 identified ourselves. At that point the group
17 started to run except for two. Those two were
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let
23 me just go back for a second. The van that you were
24 describing, what color is the van?

25 A Green.

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T2-fr

344

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion
3 of the van?

4 A In the back two doors -- I'm sorry, there
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of
11 102nd Street and Central Park West, you say you both
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started
18 to run?

19 A We got out of the van and we approached the
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two
22 people. Did you at the time that you stopped them
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He
5 didn't stop them. They were already
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those
9 two?

10 A We placed them against the wall and
11 searched them.

12 Q Did you have your gun drawn when you got
13 out of the van?

14 A No.

15 Q When you say you placed them against the
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against
25 the wall, Raymond Santana and Steve Lopez, did

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had
6 just come from his girlfriend's house and didn't
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he
12 just came from the movies with his
13 girlfriend and they watched the movie
14 "Leviathan".

15 Q Did either of them say anything about the
16 rest of the group?

17 A They stated they weren't with the group and
18 Steven Lopez stated, I quote, "The group had talked
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the
25 group and the group had talked -- I quote,

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T2-fr

347

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of
4 those two people say anything with respect to the
5 rest of the group I believe your answer began, "They
6 said," could you tell us exactly what either one of
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that
12 they weren't with the group and they didn't
13 know any of the others that had run. They
14 stated that they were walking ahead of them
15 and --

16 MR. RIVERA: Objection, your Honor,
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said
20 to you when he was stopped at 102nd Street and
21 Central Park West?

22 A Raymond Santana said he wasn't with the
23 group and he had just come from his girlfriend's
24 house.

25 Q What, if anything, did Steven Lopez say at

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T2-fr

348

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 that time?

3 A He stated he also was not with the group,
4 that he had just come from his -- he had just come
5 from the movies with his girlfriend and they watched
6 the picture "Leviathan" and he also stated, and I
7 quote, "Talked shit about ripping off -- ripping
8 them off."

9 Q Did you ask either Defendant Lopez or
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe
13 how the group was in relation to the other members
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central
19 Park West, would you describe the relation of the
20 group with one to the other?

21 A It was a homogenized group. They were
22 altogether and they were all walking northbound.
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of
25 the street, approximately how much of the block was

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and
5 Santana, if you remember, in relation to the others
6 in the group?

7 A They were in the group because the group
8 was altogether.

9 Q What, if anything, happened after Lopez and
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east
21 and the group was ahead of him and they ran into the
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between
24 the time you saw him disappear from your sight going
25 down the street until you saw the group coming back

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T2-fr

350

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into
5 the park?

6 A Yes, I saw him run and jump over the wall
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the
9 defendants."

10 THE COURT: Yes, Objection sustained
11 as to "after the defendants."

12 Q Did you see how many people were running in
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The
23 area on Central Park West, near 101st and 102nd, to
24 your knowledge are there any movie theaters in that
25 area?

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that
4 area?

5 A No -

6 MR. MADDOX: Judge, may I ask if he
7 could repeat the question and answer?

8 THE COURT: Read the question and
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West
12 in that area?

13 A No. There's just a grocery store further
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when
16 he went into the park, what was the next thing that
17 happened?

18 A I stood on the corner with Raymond Santana
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No -

22 Q And where was the van?

23 A The van was right where we left it on 102nd
24 Street and Central Park West.

25 Q Did either of them say anything further to

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NYCLD_023097

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not
4 with the rest of them.

5 Q When you say they kept saying that, who
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about
25 a quarter to eleven?

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T3-1f

353

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: Sergeant Wheeler and
3 Police Officer Morales pulled over after
4 the call over the radio for a unit to pick
5 up the two.

6 Q What happened when they responded?

7 A They responded over and we placed them into
8 the car.

9 Q Placed whom in the car?

10 A Steven Lopez and Raymond Santana.

11 Q And what did you do at that point?

12 A I went with Police Officer Powers into the
13 van, and we drove back to 100 Street and Central
14 Park West to confer with our sergeant.

15 Q When Raymond Santana and Steve Lopez were
16 put in the car with the sergeant, did you see where
17 they went?

18 A They went to 100 Street and Central Park
19 West.

20 Q And when you arrived at 100 Street and
21 Central Park West, were Raymond Santana and Steve
22 Lopez there?

23 A Yes.

24 Q Were they in the car or outside of the car?

25 A They were in the car.

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T3-1f

354

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And at what corner of that intersection
3 were you at?

4 A The northeast corner.

5 Q When you arrived at that location, who did
6 you arrive with?

7 A Police Officer Powers.

8 Q And who was already at that location?

9 A Sergeant Lyle and Police Officer Hennigan
10 and the other officers.

11 Q And did you see anybody in custody other
12 than Raymond Santana and Steve Lopez?

13 A Yes.

14 Q Who did you see at that time?

15 A I saw Kevin Richardson, Lamont McCall and
16 Clarence Thomas.

17 Q Where did you see them?

18 A In the back of the radio car.

19 Q Were all three in the same radio car?

20 A I believe so. I'm not sure.

21 Q Was there a discussion at 100 Street and
22 Central Park West?

23 A Yes, there was.

24 Q And what was the nature of the conversation
25 had there?

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T3-1f

355

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A I discussed with our sergeant -- I was told
3 that three of the defendants had made statements.

4 MR. MOORE: Objection.

5 THE COURT: I will allow it.

6 A I was told three defendants had made
7 statements placing themselves at the attack of Mr.
8 Loughlin at 96th Street.

9 Q Who told you that?

10 A I was told that by Police Officer Powers
11 and Sergeant Lyle.

12 Q And at that time was there a discussion at
13 100 Street and Central Park West?

14 A Yes.

15 Q Was there a discussion about doing a show-
16 up?

17 A Yes.

18 Q And was a show-up conducted with John
19 Loughlin at that time?

20 A No.

21 Q How long did you stay at 100 Street and
22 Central Park West?

23 A I'd say about ten minutes; ten, fifteen
24 minutes.

25 Q During that time were you out of the van or

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NYCLD_023101

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T3-1f

356

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Were you in the van?

3 A I was out of the van.

4 Q And at any time while you were at that
5 location, were you in a car with any of the people
6 that had been taken into custody?

7 A No, I wasn't.

8 Q What was the next thing that happened?

9 A We drove to the Central Park Precinct.

10 Q When you say "we drove" how did you get to
11 [REDACTED] Central Park Precinct?

12 A I went in the green Parks Department
13 vehicle.

14 Q Did anyone ride with you?

15 A Yes, Police Officer Powers.

16 Q Did you see where Raymond Santana and Steve
17 Lopez were at the time you left 100th Street and
18 Central Park West?

19 A They were in the radio car, I believe, with
20 Sergeant Wheeler.

21 Q And the other three people you mentioned,
22 where were they?

23 A I believe they were with another set of
24 officers. I don't recall specifically who it was.

25 Q Were any of those five people taken out of

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NYCLD_023102

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T3-1f

357

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the car at 100 Street and Central Park West?

3 A I don't believe so, no.

4 Q How long did it take you to get from 100th
5 Street and Central Park West to the Central Park
6 Precinct?

7 A I'd say about five minutes.

8 Q And what did you see -- withdrawn.

9 What time was it that you arrived at the
10 Central Park Precinct?

11 A It was approximately 12:00.

12 Q I'm sorry.

13 A Approximately 12 midnight.

14 Q Are you sure it was midnight when you
15 arrived?

16 (Whereupon all Defense Counsel made an
17 objection to the question by the District
18 Attorney.)

19 THE COURT: The objection is
20 sustained.

21 Q What did you do when you arrived at the
22 Central Park Precinct?

23 A We brought the defendants in front of the
24 desk.

25 Q And what time did you bring the defendants

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T3-1f

358

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 before the desk?

3 A I believe -- may I refresh my memory with
4 my notes?

5 THE COURT: If you have to.

6 MR. MADDOX: When he says "defendants"
7 could he refer to who he was talking about?
8 Some are not defendants.

9 THE COURT: Okay.

10 If you can, give us the names of the
11 people you are talking about.

12 THE WITNESS: All right.

13 A That was about six minutes after eleven.

14 Q And what happened six minutes after eleven?

15 A They were brought to the station house.

16 THE COURT: They being?

17 THE WITNESS: Clarence Thomas, Lamont
18 McCall, Kevin Richardson, Steven Lopez, and
19 Raymond Santana.

20 Q Were they at the stationhouse when you
21 arrived, or did they arrive when you were already
22 there?

23 A I think we got there around the same time.
24 I don't recall exactly who got there first. It was
25 very close in time, though.

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P-APP002501

T3-1f

359

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And what happened in front -- what did you
3 do when you went in front of the desk?

4 A What I did was gave their names, addresses
5 and ages to the desk officer so he could enter it
6 into the blotter.

7 Q Did you have a conversation with anyone
8 when you arrived at the Central Park Precinct?

9 A Yes, I did.

10 Q Who did you have a conversation with?

11 A I had a conversation with one of the
12 detectives; two of them.

13 Q To whom did you speak?

14 A Detective Nugent and Detective Gonzalez.

15 Q What did you say to them and what did they
16 say to you?

17 A I stated what happened; that I arrested
18 five youths for assaulting a jogger in the Park.
19 And that was pretty much it. We returned them to
20 the Youth Room.

21 Q How long were they before the desk?

22 A I'd say about ten minutes.

23 Q Was anyone with you and with them before
24 the desk sergeant?

25 A Yes.

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NYCLD_023105

P-APP002502

T3-1f

360

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Who was that?

3 A My partner was there, Police Officer
4 Powers; Police Officer Hennigan, Sergeant Lyle and
5 the detectives might have come out also.

6 Q After you were before the desk with those
7 five people that you have named, where did you go?

8 A We took them, I believe, we took them to
9 the juvenile room.

10 Q Officer Reynolds, if you would, please look
11 at what has been received in evidence as People's 1.
12 Do you recognize what that is?

13 A Yes.

14 Q What do you recognize that to be?

15 A It is a layout of part of the Central Park
16 Precinct.

17 Q What part of the precinct is depicted in
18 that diagram?

19 A One is the Community Affairs office, and
20 the other is our muster room.

21 Q And where is the Youth Room in People's 1?

22 A Do you want me to point it out?

23 Q If you would, please.

24 MR. BERMAN: The testimony was it was
25 the Juvenile Room.

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NYCLD_023106

P-APP002503

T3-1f

361

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE COURT: Yes, you referred to it as
3 the Juvenile Room.

4 Q Excuse me. Would you show us the juvenile
5 room?

6 A This room right here (indicating).

7 Q Indicating a room, the lower rectangular
8 room portrayed in People's 1.

9 When you say you went into that room, did
10 you go into that room with all of the five people
11 that had been before the desk?

12 A Yes.

13 Q Before resuming the stand, could you please
14 point out where everyone was inside that room once
15 you went in?

16 A Okay. I was seated at this desk here and
17 the defendants were seated at chairs in this area
18 (indicating). They were all given a chair, and they
19 were all seated over here (indicating).

20 MR. MADDOX: Can the record reflect
21 that is the bottom portion of the room that
22 appears on that diagram?

23 THE COURT: Yes, it is the bottom
24 right portion.

25 MS. LEDERER: Thank you.

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NYCLD_023107

P-APP002504

T3-1f

362

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 You may resume your seat.

3 (Witness complies)

4 Q Were any of those people handcuffed in that
5 room?

6 A Their handcuffs were removed in the room.

7 Q What did you do in that room?

8 A In that room I started to process the
9 paperwork for that arrest.

10 Q What does that mean?

11 A I did the on-line booking sheets and
12 juvenile packages.

13 Q What is a juvenile package?

14 A That's the -- that's papers that you have
15 to fill out to go to Family Court, the depositions,
16 supporting depositions, a referral intake report,
17 and the appearance tickets for the youths to appear
18 in Family Court with their parents or guardians.

19 Q Where was Officer Powers at that time, if
20 you know?

21 A Officer Powers was making notifications to
22 the families, to the parents of the defendants.

23 Q Was that happening in the room you were in?

24 A No, that was across the way in the main
25 part of the precinct.

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NYCLD_023108

P-APP002505

T3-1f

363

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q During this time that you were doing the
3 paperwork in the Juvenile Room, how would you
4 describe the testimony of defendants Kevin
5 Richardson, Raymond Santana, and Steven Lopez?

6 A They really didn't seem to care.

7 MR. RIVERA: Objection.

8 MR. DILLER: Objection.

9 MR. BERMAN: Objection.

10 THE COURT: Objection sustained.

11 Q Describe their appearance; how would you
12 describe them. What were they doing, what was their
13 appearance?

14 MR. BERMAN: I would object to him
15 describing it collectively.

16 THE COURT: I will allow it. If they
17 differed in any respect, tell us that.
18 Tell us what each one looked like and what
19 they were doing?

20 THE WITNESS: They were sitting around
21 talking. Their demeanors didn't seem
22 different. They didn't seem to care.

23 MR. RIVERA: Objection.

24 MR. DILLER: Objection.

25 MR. BERMAN: Objection.

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NYCLD_023109

P-APP002506

T3-1f

364

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE COURT: Okay. What do you mean
3 "they didn't seem to care"?

4 THE WITNESS: They wanted to go home;
5 you know, they wanted to hang out.

6 MR. RIVERA: Objection.

7 THE COURT: I will allow it.

8 Q Were any one of these three people crying?

9 A No.

10 Q When you say you observed people in that
11 room talking to each other, did you see Kevin
12 Richardson talking to anyone?

13 A Yes, I saw him talking to Raymond Santana.

14 Q Did you see Raymond Santana and Steve Lopez
15 talking to each other or to other people in the
16 room?

17 A Yes.

18 Q Who did you see them talking to and what do
19 you remember?

20 A They seemed to be talking to each other.
21 Everybody seemed to know each other very well.

22 MR. RIVERA: Objection.

23 MR. DILLER: Objection.

24 MR. BERMAN: Objection.

25 THE COURT: Objection sustained.

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NYCLD_023110

P-APP002507

T3-1f

365

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did there come a time you were aware the
3 parents began to arrive?

4 MR. MOORE: Objection as to form.

5 THE COURT: I will allow it.

6 A Yes.

7 MS. LEDERER: Your Honor, if I may
8 interrupt at this point to reiterate
9 something said yesterday.

10 I indicated to Defense Counsel that I
11 ask the parents of certain defendants and
12 potential witnesses not be present in the
13 courtroom. I just want to check.

14 MR. DILLER: No people from Mr.
15 Richardson's family that will testify are
16 in court.

17 MS. LEDERER: And no other witnesses
18 that were present at the stationhouse?

19 MR. DILLER: That's correct.

20 MR. BERMAN: I suppose we should put
21 some of it on the record, because we didn't
22 do it the other day. I made the
23 representation that I would have all
24 witnesses out of the courtroom, but I asked
25 that my client's parents remain. And I

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NYCLD_023111

P-APP002508

T3-1f

366

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 offered, if they should testify at this
3 hearing or at the trial, that the
4 Prosecution would be free to bring out they
5 had been present during the testimony. I
6 forget if it was your Honor or Miss Lederer
7 who rejected that.

8 With that in mind, I instructed my
9 client's parents not to be here for this
10 witness and the next witness.

11 THE COURT: And they are not here?

12 MR. BERMAN: Yes.

13 Do you recall who it was?

14 THE COURT: Ultimately I'm the one who
15 made the ruling. The important thing is
16 what I said.

17 MR. BERMAN: I said they would have to
18 be excluded during the testimony of this
19 witness.

20 MR. RIVERA: On behalf of Raymond
21 Santana, he has no relatives here today.

22 MR. JOSEPH: The same is true on
23 behalf of Mr. Antron McCray.

24 BY MS. LEDERER:

25 Q Did there come a time that you became aware

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 of parents or families of any of those five people
3 beginning to arrive at the Central Park Precinct?

4 A Yes.

5 Q To the best you can recall, what was the
6 time you first became aware of the parents arriving?

7 A I believe it was around midnight.

8 Q And who do you recall arriving at
9 approximately midnight?

10 A That was Mrs. Richardson.

11 Q How was it that you became aware that Mrs.
12 Richardson was there?

13 A She came into the room and opened the door
14 and she stated who she was. And that was it.

15 Q When you say she came into the room and
16 opened the door, could you step down for a moment
17 and point out on People's 1 in evidence where she
18 was?

19 A There is a door right here which she opened
20 and let me know she was here for Kevin Richardson
21 (indicating).

22 MR. BERMAN: For the record, he was
23 pointing to the area on that chart where
24 there was no door. There is a doorway but
25 no door.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE COURT: Yes, it does appear
3 there's no door drawn into the diagram. Is
4 there an actual door there?

5 THE WITNESS: Yes.

6 MR. MADDOX: Could the record reflect
7 where exactly on the diagram he is pointing
8 to?

9 THE COURT: He is pointing to the
10 upper righthand side of that room.

11 Q At the time that Mrs. Richardson or the
12 mother of Kevin Richardson arrived, was that door
13 opened or closed?

14 A It was closed.

15 Q And at the time that she came to the door,
16 where was Kevin Richardson when she opened the door?

17 A He was seated in the back of the room.

18 Q When you say in the back of the room, where
19 were you referring to?

20 A Shall I point it out?

21 Q Yes.

22 A I believe he was seated in this area here
23 (indicating).

24 MS. LEDERER: Indicating in the lower
25 righthand corner of the Community Affairs

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Office building.

3 Q Did you observe or hear any conversation
4 exchanged between Kevin Richardson and his mother at
5 that point?

6 A No.

7 Q Was Kevin Richardson awake when she
8 arrived?

9 A Yes.

10 Q And when his mother arrived at the door,
11 did she speak?

12 A Yes, she stated she was, you know, his
13 mother. I believe I got up and just asked her to
14 have a seat. Then I finished the paperwork, and
15 hopefully send him home that night.

16 Q Where did you ask her to have a seat?

17 A I asked her to have a seat in the clerical
18 area.

19 Q The clerical area is where?

20 A That's on the top of the diagram
21 (indicating).

22 Q Is that the entire room?

23 A Yes.

24 Q In the top portion of that building?

25 A Yes.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you become aware of any of the other
3 parents arriving at that time?

4 A Yes.

5 Q Who was the next parent that you became
6 aware of?

7 A I don't recall who came in next, but they
8 all started to come in one at a time.

9 Q And how was it that you became aware of
10 their arrival?

11 A Either my partner would tell me the parent
12 was there, or they would stick their head in the
13 door and tell me they were there, looking for their
14 son.

15 Q During the time that the parents and the
16 families of these five people were arriving, did
17 there come a time where you saw Antron McCray?

18 A Yes.

19 Q Do you recall approximately when that was?

20 A I'm not sure. That was after midnight.
21 I'm not sure of the exact time.

22 Q Did you have anything that would refresh
23 your recollection as to the exact time?

24 A I can take a look. Again, I'm not sure.

25 (Witness peruses notes)

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1 People - Det. Arroyo - Cross - Rivera

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2 of Raymond by Detective Hartigan; is that correct?

3 MS. LEDERER: Objection.

4 THE COURT: What was your question?

5 MR. RIVERA: That he was present during the
6 entire questioning of Raymond by Detective
7 Hartigan.

8 Q. Is that correct?

9 MS. LEDERER: Objection.

10 THE COURT: I'll let him answer if he was
11 present --

12 Detective Hartigan was present at all times
13 when you were present?

14 THE WITNESS: Detective Hartigan was present
15 when I was present, yes.

16 THE COURT: At all times?

17 THE WITNESS: Except for the times that I
18 left the room, correct.

19 Q. But from 1:40 to 4:40, you were present during the
20 entire questioning of Raymond Santana; is that correct?

21 A. Again, except for those times that I left briefly.

22 Q. Well, when did you leave the room between 1:40 and
23 4:40?

24 A. Well, I left the room to get coffee.

25 Q. Other than that.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2965

2 A. I might have also left the room to get myself a
3 soda. I left the room after the signing of the written
4 statement, and that would take us beyond 4:40 p.m.

5 Q. Okay. Raymond signed the statement at about 4:40;
6 is that correct?

7 A. That's correct.

8 Q. That means that the interrogation of Raymond ended
9 about 4:40, would that be correct?

10 A. That's correct.

11 Q. And did you tell Raymond that the interrogation
12 had ended of Raymond?

13 A. No.

14 Q. You, at no time, informed him that your
15 questioning is over; is that correct?

16 A. No.

17 Q. You just took the statement, left the room and
18 came back several minutes later; is that correct?

19 A. That's correct.

20 Q. Now, you took that statement and brought it to
21 your supervisors; is that correct?

22 A. That's correct.

23 Q. And who, in particular, did you bring Raymond's
24 statement to?

25 MS. LEDERER: Objection.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera

2966

2 THE COURT: Who did he what?

3 MR. RIVERA: Who did he bring Raymond's
4 statement to.

5 THE COURT: I'll let him answer. I really
6 don't know what it has to do with this hearing.

7 A. I brought the statement to the detective squad
8 room, where Lieutenant Doyle from Manhattan North Homicide
9 was present.

10 Q. Was ADA Fairstein or ADA Lederer present when you
11 went to bring the statement to Lieutenant Doyle?

12 MS. LEDERER: Objection.

13 THE COURT: I'll let him answer that.

14 A. No, they were not.

15 Q. Did you discuss with Lieutenant Doyle the fact
16 that Raymond's grandmother was present and had difficulty
17 with the English language?

18 MS. LEDERER: Objection.

19 THE COURT: Sustained.

20 Q. Did you ever ask Raymond to put into his own words
21 the statement that is People's 20 in evidence?

22 A. Yes, I asked him if he wanted to write it out.

23 Q. And what, if anything, did Raymond say?

24 A. He said no. I offered to write it out and he
25 agreed.

Joseph T. Tierney, CSR, RPR

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2 dome light?

3 A On any of the police cars?

4 Q Yes.

5 A Not that I recall, no.

6 Q And while you were driving around, did you hear yet
7 another radio communication?

8 A Yes.

9 Q And what was that communicate?

10 A That was from one of the auxiliary police, he had
11 found a male jogger that was --

12 MR. JOSEPH: Objection, Judge.

13 THE COURT: I'll allow it.

14 A He had found a male jogger that was severely beaten
15 on the, around 96th Street and the West Drive.

16 Q Did you hear any further information with respect
17 to the assault on that male jogger?

18 A Yes, another police officer--

19 MR. JOSEPH: Objection.

20 THE COURT: Yes, just a minute. Come up for a
21 minute.

22 Step down for a second.

23 (At side bar.)

24 THE COURT: Okay.

25 MR. JOSEPH: The basis of my objection is

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2 it's hearsay.

3 THE COURT: Yeah, except all this stuff was
4 brought out throughout the other witnesses by
5 defense counsel.

6 MR. JOSEPH: It just seems that we don't, I
7 don't know that it was brought out through defense
8 counsel.

9 THE COURT: It was brought out, all of the
10 radio run communications were brought out through
11 defense counsel's cross-examination of other
12 witnesses.

13 MR. JOSEPH: But as to this witness, I think
14 the questions call for hearsay testimony, and I'm
15 noting my objection, number one.

16 Number two, it seems to me just to be, to
17 serve no purpose than bring to bring it out
18 through this witness.

19 THE COURT: what are you asking now? He got a
20 communication it was a male jogger beaten?

21 MS. LEDERER: And the description that came
22 over the air of, that male blacks that fled
23 northbound from that scene.

24 The, this information is particularly relevant
25 in light of the opening given by Mr. Rivera who

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2 argued that Santana was arrested for no reason.

3 And I think the state of mind of the officers is
4 relevant to why that group of people were stopped.

5 And we had this conversation about whether the
6 hearsay would be admissible just immediately
7 before starting testimony in this case. The Court
8 indicated that it would rule as it came up. We
9 did not elicit from officer Alvarez, and it was
10 brought out by every defense attorney throughout
11 cross of that officer.

12 THE COURT: I don't know if I said I would
13 allow hearsay to come in.

14 MS. LEDERER: I said you didn't rule at that
15 time, but after we had that conversation, and even
16 the defense had been alerted to it, they all
17 brought out what the radio runs had been.

18 THE COURT: Yes.

19 MS. LEDERER: This officer that made the
20 actual stop. His state of mind is key, specially
21 since it's an issue raised by Mr. Rivera.

22 THE COURT: Have you people finished?

23 MS. LEDERER: Yes.

24 THE COURT: Normally I would not permit the
25 District Attorney to bring out any of this

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1 T-1 Reynolds-Ppl-direct 801
2 information, other than the fact they had received
3 a radio communication, radio transmission and
4 responded to, and where he responded to. However,
5 all of this material that has been gone into by
6 the defense on cross examination of earlier
7 witnesses, so it seems to me inappropriate to at
8 this point foreclose this witness from testifying.
9 So, for that reason I'm going to allow it. Okay.

10 MR. JOSEPH: Judge, I know appellate courts
11 don't generally look favorably on continuing
12 objections, I don't know if your Honor wishes to
13 object to each question.

14 THE COURT: I will assume, if you want that as
15 to other radio transmissions, the District
16 Attorney may bring out. You make a continuing
17 objection.

18 MR. JOSEPH: Okay.

19 THE COURT: For the same reason I indicated I
20 will rule the same way. I would have, initially
21 had the District Attorney tried to bring that
22 stuff out on her direct examination of any
23 witness, absent cross-examination, the bringing
24 out of that very same material, I would sustain
25 the objection, but that's not the situation. So,

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2 I will allow it.

3 MR. JOSEPH: Our objection is preserved as to
4 all of this testimony to come?

5 THE COURT: If you're going to object to each
6 radio transmission content, yes.

7 MR. JOSEPH: Right. Correct.

8 MR. BURNS: I'm sorry, I make the same
9 objection, the objection is on direct examination
10 when it's brought out.

11 THE COURT: Okay.

12 MR. BURNS: In other words, she's calling a
13 witness and the witness is testifying in the first
14 instance on direct examination, and the District
15 Attorney is being permitted to introduce hearsay
16 on the basis of the fact, I object to that, and I
17 also have a continuing objection.

18 THE COURT: For the same reasons, I will allow
19 it.

20 MR. BURNS: Okay.

21 (In the presence of the jury.)

5
22 Q The radio transmission that you described receiving
23 from the auxiliary police, would you tell us what the
24 content of that transmission were.

25 A That he had found a male jogger that was beaten,

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1 T-1 Reynolds-Ppl-direct

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2 had been beaten up and was bleeding and needed an ambulance.

3 Q Was there any information given as, concerning the
4 person or persons who were responsible for that assault?

5 A Yes, there was.

6 Q And what was that information?

7 A That they were male blacks.

8 Q And was any information given about where those
9 people went after they attacked the male jogger?

10 A That they had fled west from 96th Street.

11 Q What did you do after you heard that report?

12 A I started to, we started to head in that direction
13 and made our way out of the park at 100th Street and Central
14 Park West.

15 Q When you say you exited the park, would you please
16 step down and approach People's 2 in evidence and show the
17 members of the jury the route that you took and where you
18 exited the park.

19 A We went across the cross drive here at 102nd Street
20 and, going west and then south on the, on the South Drive.

21 Q Excuse me, your finger is next a legend there, when
22 you say you were going south, what roadway were you
23 traveling on?

24 A On the West Drive. And then we went west on 100th
25 Street which took us to 100th Street and Central Park West.

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1 T-1 Reynolds-Ppl-direct

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2 Q Approximately what time was it as you were exiting
3 the park?

4 A That was approximately ten to.

5 Q What if anything did you see when you were at 100th
6 Street an Central Park West?

7 A We saw a large group between 101st Street and 102nd
8 Street in Central Park West, walking northbound.

9 MS. LEDERER: The record should reflect the
10 witness is pointing to the right side of the
11 street.

12 Q What side of the street did you see them on?

13 A I saw them on the west side of the street.

14 Q You may resume the witness stand.

15 Would you describe the group you saw as you were
16 leaving Central Park on that night.

17 A It was a large group of teenagers, Black and
18 Hispanic, and they were walking together as a group,
19 northbound.

20 Q How many people did you see in that group?

21 A Anywhere from ten to twenty.

22 Q And what were they doing when you saw them?

23 A They were walking northbound.

24 Q Did you observe any interaction between the people
25 who comprised that group?

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1 T-1 Reynolds-Ppl-direct

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2 A Well, they were walking as a group, they were
3 talking. And as we, as we rode alongside of them, what the
4 group did was they stopped and started pointing at our van.

5 Q Let me go back for a moment. When you described
6 the group and you referred, you described they were walking
7 northbound on the block on Central Park West between 101st
8 and 102nd, how close together were the members of this
9 group?

10 A They were altogether like a pack.

11 MR. JOSEPH: Objection.

12 THE COURT: I'll allow it.

13 Q What direction did you turn on to Central Park
14 West?

15 A We turned north. Northbound.

16 Q And what if anything happened as you were driving
17 northbound?

18 A Well, as we started to approach them, I was going
19 to call on the radio to have other cars come so we could
20 sort of box them in, but the group stopped and they took, at
21 least what I thought was notice of us.

22 MR. BURNS: Objection.

23 MR. JOSEPH: Objection.

24 THE COURT: Don't tell us what you thought
25 they thought, just tell us what you observed.

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2 MR. BURNS: Will that be stricken, your
3 Honor?

4 THE COURT: Yes.

5 MS. LEDERER: Your Honor, if we could. Is
6 the hole answer stricken?

7 THE COURT: Just the portion where you're
8 telling us what you thought they thought. We don't
9 want you to give us their thought process, give us
10 your thought process and your observations. Okay?

11 THE WITNESS: Okay.

12 Q What if anything did you see the members of that
13 group do as you drove northbound?

14 A I saw them stop and what they did was they started
15 to point to us and I had thought that they recognized us.

16 MR. BURNS: Objection.

17 MR. JOSEPH: Objection.

18 THE COURT: That's what he thought, that was
19 going through his mind.

20 MR. JOSEPH: I would object to that, even if
21 it was going through his mind. No, I will allow
22 it, that's his thought process, I will allow that.

23 Go ahead.

24 Q Did you see whether there was anybody near the
25 police, the Parks Department van that you were driving at

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1 T-1 Reynolds-Ppl-direct

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2 that time?

3 A Yes.

4 Q All right. Would you describe who you saw near the
5 van and how you became aware of that person's presence.

6 A I saw police officer Flores and she was driving,
7 she was in uniform driving a Mark three wheel scooter.

8 Q Where was it you saw her?

9 A She had pulled up right alongside of us on my
10 righthandside and we were between her and the group.

11 Q Prior to seeing officer Flores at the sight you
12 just described, had you seen her earlier in the evening?

13 A Yes.

14 Q And where had you seen her earlier in the evening?

15 A I saw her driving around, also looking for the,
16 canvassing for the group.

17 Q When did you first become aware of her as you were
18 driving north on Central Park West?

19 A Right after the group stopped and started pointing.

20 Q And at that point when you became aware of officer
21 Flores' presence, where did you see her?

22 A She was on my righthandside, she had pulled up
23 alongside of us, that's when we realized that--

24 MR. JOSEPH: Objection.

25 A That's when I realized they were going to run.

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1 T-1 Reynolds-Ppl-direct

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2 MR. JOSEPH: Objection.

3 THE COURT: That's his thought process, that's
4 what he was thinking when he saw her pull up
5 alongside. I'll allow it.

6 Q What if anything did you and officer Powers do when
7 you became aware that officer Flores was on your right?

8 A Well then we, I realized they were going to run
9 from us because.

10 MR. RIVERA: Objection.

11 THE COURT: No, overruled.

12 Go ahead.

13 A Because they'd stopped and started to point at the
14 van, at least I thought they were pointing at the van, they
15 were really pointing at her and thought she--

16 MR. JOSEPH: Objection.

17 THE COURT: Don't tell us what they thought.

18 You tell us what you thought.

19 THE WITNESS: Okay.

20 Q What if anything did you and officer Powers do at
21 that point?

22 A We took the van and cut them off at 102nd Street.

23 Q Would you step down again and approach People's 2
24 in evidence and show the members of the jury where you and
25 officer Powers went with the van and describe the position

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1 T-1 Reynolds-Ppl-direct

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2 of the van in relation to Central Park West.

3 A Okay. We had, at 102nd Street we pulled in
4 perpendicular to Central Park West into the crosswalk with
5 the van sitting in traffic.

6 Q Was the van pulled into 102nd Street?

7 A No. It was on Central Park West.

8 Q And what happened when you pulled the van into that
9 location?

10 A We got out of the van, identified ourselves and
11 told them not to run.

12 Q Why don't you resume the witness stand.

13 From the position that you've just described that
14 the Parks Department van was in, which of you were closer to
15 the group?

16 A Police officer Powers.

17 Q And when the van was pulled in that position, what
18 if anything did you do?

19 A I got out of the van, he got out of the van and
20 again we identified ourselves and told them not to run.

21 Q When you got out of the van, did you go around the
22 front or the back of the van?

23 A I went around the front.

24 Q And whether you went around the front, how close
25 were the members of the group to you at that time?

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1 T-1 Reynolds-Ppl-direct

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2 A I'd say about a car length or two.

3 Q And what if anything did the members of the group
4 do when you said what you just described?

5 A They ran.

6 Q And did any members of the group not run?

7 A Yes.

8 Q And who, would you describe what happened with
9 respect to people who did not run.

10 A Well, they didn't run, I, we told them to get
11 against the wall, gave them a quick, you know, frisk in case
12 they had any kind of weapons.

13 Q How many people did not run when you identified
14 yourselves?

15 A Two.

16 Q And where were those people in relation to the
17 group?

18 A They were with the group, they were right in the
19 front.

20 Q And how close were you to them at the time --

21 MS. LEDERER: Withdrawn.

22 Q How close were the others in the group to you in
23 relation to where these in the group were?

24 A Excuse me, I'm sorry?

25 Q You indicated that there were people in the group

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1 T-1 Reynolds-Ppl-direct 811

2 that didn't run, how many didn't run?

3 A Two.

4 Q And where were those people in relation to the
5 other members of the group that didn't run?

6 A They were with the group, but they were right at
7 the front of the pack.

8 Q Did you later learn the names of those two people?

9 A Yes.

10 Q And what were their names?

11 A Steve Lopez and Raymond Santana.

12 Q What did you do with respect to those people?

13 A We took them, placed them against the wall and
14 patted them down real quick.

15 Q When you say you took them, do you know which
16 person you took?

17 A No, I don't recall.

18 Q And would you describe how you, what you mean when
19 you say took them.

20 A I grabbed him by his arm.

21 Q And you indicated you put him against the wall?

22 A Yes.

23 Q Was his face to the wall or face to you?

24 A Face to the wall.

25 Q And what did you do at that point?

7
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1 T-1 Reynolds-Ppl-direct

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2 A I patted his outside clothing down to make sure he
3 had, you know, didn't have a knife or a gun or anything.

4 Q Did you find any kind of a weapon?

5 A No.

6 Q Okay. Where was officer Powers while you were
7 doing this?

8 A He was standing right alongside me.

9 Q And what was he doing?

10 A He was doing the same with the other person he had.

11 Q Do you know which person you had taken hold of?

12 A No, I don't recall.

13 Q And do you know the name of the person officer
14 Powers had taken hold of?

15 A No.

16 Q Other than those two people, where did everybody
17 else in that group go?

18 A The group ran south on Central Park West towards
19 101st Street and then at 101st Street they ran west.

20 Q After you had frisked the person you had against
21 the wall, what did you do with him?

22 A I stood there were them and while officer Powers
23 chased the rest of the group along with officer Flores.

24 Q At the time that you and officer Powers stopped
25 Steve Lopez and Raymond Santana, did Raymond Santana make

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1 T-1 Reynolds-Ppl-direct

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2 any statement to you?

3 A Yes, he did.

4 Q And would you tell us please what he said to you.

5 A He stated that he had just come from a girlfriend's
6 house and that he didn't know the group and that they were
7 about to rip them off.

8 Q How long did you say, excuse me, how long did
9 officer Powers stay at that location with you after you had
10 taken these two individuals and put them against the wall?

11 A Just long enough to pat down the person that he was
12 holding.

13 Q And where did he go after that?

14 A He ran after the group.

15 Q Did you handcuff either of those two people at that
16 time?

17 A No.

18 Q Did you see where officer Flores went?

19 A Officer Flores was also in pursuit of the group.

20 Q And was she doing that on foot or on the scooter?

21 A In the scooter.

22 Q Where did you see her go?

23 A I saw her in the street go south on Central Park
24 West and then west on 101st Street.

25 Q Did you see either officer Powers or officer Flores

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1 T-1 Reynolds-Ppl-direct 814

2 again after you saw them run west on 101st Street?

3 A Yes.

4 Q And would you please tell us where you saw them.

5 A They had run east on 101st Street, doubling back,
6 you know, for the kids that had run back the other way.

7 Q And did you see them come back to 101st Street and
8 Central Park West?

9 A Yes.

10 Q Did you see any members of the group at that time?

11 A Yes.

12 Q And approximately how many members of the group did
13 you see?

14 A It was about six or seven of them.

15 Q What did you see them doing?

16 A They ran across Central Park West and when they got
17 to the wall, they jumped over the wall, into the park.

18 Q And what if anything did you see officer Powers do.

19 A I saw him also run cross Central Park West and he
20 jumped over the wall.

21 Q And what did you see officer Flores do?

22 A I believe she drove her scooter around and went
23 through the, went through the 100th Street entrance.

24 Q What did you do during this time?

25 A During this time I stood there with the, with Lopez

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1 T-1 Reynolds-Ppl-direct

815

2 and Santana and I put over the air, I called for assistance
3 for other units to come and help out officer Powers with
4 the, with the perps he was chasing.

5 Q Officer Reynolds, I ask you to look around the
6 courtroom today, do you see Raymond Santana in court today?

7 A Yes.

8 Q And would you please point him out.

9 A He's sitting right there with, I believe it's a
10 blue tie, white shirt and glasses.

11 MS. LEDGERER: The record should reflect the
12 witness has identified Raymond Santana.

13 Q Approximately how long did you stay at that sight
14 with Steve Lopez and raped Santana?

15 A I'd say about fifteen, twenty minutes.

16 Q Did there come a time where a police car came to
17 the location where you were?

18 A Yes.

19 Q And who was in that car?

20 A That was Sgt. Wheeler and another police officer, I
21 don't recall his name now.

22 Q What happened --

23 A Officer Morales.

24 Q What happened when that police car arrived?

25 A They, when they got there, then they were placed, I

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2 placed the handcuffs on them and put them in the back of the
3 car.

4 Q And what did you do after they were placed in the
5 radio car?

6 A I had waited for officer Powers to come back with
7 the keys for the van so we could drive back to 100th Street
8 and Central Park West.

9 Q Did officer Powers come back on the location where
10 you were?

11 A Yes.

12 Q Approximately how much time went by to the time
13 Stephen Lopez an Raymond Santana were taken in the police
14 car, how much time went by from the time those two were
15 taken in the police car until officer Powers came back.

16 A I'd say about five minutes.

17 Q And after officer Powers came back, what if
18 anything did you do?

19 A We drove back to 100th Street and Central Park
20 West, inside of the park.

21 Q Who did you see when you got to 100th Street and
22 Central Park West?

23 A I saw my supervisor, Sgt. Hale and the other
24 officers that were involved in the pursuit.

25 Q And did you see Raymond Santana or Steve Lopez at

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2 that location?

3 A Yes.

4 Q Without us where you saw them?

5 A I saw them in the back of Sgt. Wheeler's car.

6 MS. LEDERER: With the Court's permission.

7 Q If you would step down People's 2 in evidence and
8 show the members of the jury the location where you went
9 after officer Powers came back with the keys to the van.

10 A We went right here, 100th Street and Central Park
11 West, inside the park.

12 Q Okay, thank you. You may resume the witness stand.

13 Other than your supervisor and Raymond Santana and
14 Steve Lopez and yourself an officer Powers, who else did you
15 see at that location?

16 A I saw the defendants.

17 MR. RIVERA: Objection.

18 THE COURT: Objection sustained.

19 Q Could you tell us by name who you saw at that
20 location.

21 MR. JOSEPH: Objection.

22 THE COURT: No, I'll allow it.

23 A Clarence Thomas, Lamont Mc Call, Kevin Richardson,
24 and Stephen Lopez and Raymond Santana.

25 Q How long did you stay at that location?

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2 A I'd say about ten, fifteen minutes.

3 Q Add during that time did you have any conference or
4 discussion with your sergeant and other police officers?

5 A Yes.

6 Q What did you say during that discussion with the
7 sergeant and the other police officers?

8 MR. JOSEPH: Objection.

9 THE COURT: Come up for a minuted, please.

10 Step down, please.

11 (At side bar.)

12 THE COURT: What is he going to say?

13 MS. LEDERER: All he's going to say, there
14 was a discussion whether had heed do a showup with
15 John Loughlin, and it was decided not to do it.

16 THE COURT: Oaky, I'll allow that.

17 MS. JOSEPH: That's over objection.

18 THE COURT: Yes.

19 MR. JOSEPH: What's the relevance that it was
20 decided not to do it?

21 MR. BURNS: That's my point.

22 THE COURT: We'll find it out shortly.

23 MS. LEDERER: It explains why they went
24 there, what they did with him. And it explains
25 what the police procedure is at the stationhouse.

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1 T-1 Reynolds-Ppl-direct

819

2 MR. JOSEPH: My objection is not just
3 relevance, it seems again we're getting into
4 hearsay, which clearly the door has not been
5 opened up to. It was decided not to do a lineup,
6 with John Loughlin.

7 THE COURT: A show up.

8 MR. JOSEPH: A show up with John Loughlin,
9 that too is a determination made by more than one
10 individual which was at least implicitly, if not
11 explicitly calls for a statement as to what was
12 discussed by other officers.

13 THE COURT: I'll allow it. Overruled.

14 (In the presence of the jury.)

15 Q Was there a discussion had at that location among
16 the police officers?

17 A Yes.

18 Q And what was the nature of that discussion?

19 MR. JOSEPH: Objection.

20 THE COURT: I'll allow it.

21 A It was regarding the arrest of the defendants.

22 Q Was there any discussion about what, whether there
23 would be any kind of show up?

24 MR. RIVERA: Objection.

25 THE COURT: I'll allow it.

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1 T-1 Reynolds-Ppl-direct

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2 A Yes.

3 Q And what was the nature of that discussion?

4 A We had wanted to get the--

5 MR. JOSEPH: Objection, Judge, as to what
6 they wanted to.

7 THE COURT: Yeah, just tell us what were you
8 going to do about a show up.

9 A We were going to have a show up with the
10 complainant, John Loughlin, and we had to ascertain if he
11 could identify the people that assaulted him at that time.

12 Q Was a show up done with John Louhglan?

13 A No.

14 Q At that time did you know the name John Loughlin?

15 MR. JOSEPH: Objection.

16 THE COURT: I'll let him answer.

17 A No.

18 Q Did there come a time where you left the location
19 at 100th Street and Central Park West, inside the park?

20 A Yes.

21 Q And where did you go at that time?

22 A We went back to Central Park Precinct.

23 Q How did you get from that location to the Central
24 Park Precinct?

25 A In the green Parks Department van.

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1 T-1 Reynolds-Ppl-direct

821

2 Q Who did you travel with.

3 A Police officer Powers.

4 Q And did you have any of the people who had been
5 apprehended in the van with you?

6 A No.

7 Q And do you know how Raymond Santana was transported
8 to the Central Park Precinct.

9 A He was transported I believe with the Sergeant,
10 Sgt. Wheeler.

11 Q How long did it take to get from that location to
12 the Central Park Precinct?

13 A About five minutes.

14 Q And what happened when you arrived at the precinct?

15 A We went before the desk with the, with five
16 defendants.

17 Q When you arrived at the precinct, did you arrive
18 there first or did the People taken into custody get there
19 before you?

20 A I believe we arrived at about, just about the the
21 same time.

22 Q And you described of went before the desk, would
23 you explain for the members of the jury what that means.

24 A We go before the desk to make a record of the fact
25 that I had made an arrest and who the people were that were

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1 T-1 Reynolds-Ppl-direct

822

2 arrested, and you know, their names, addresses and what they
3 were being arrested for.

4 Q Did you take all five of the people who had been
5 taken into custody before the desk?

6 A Yes.

7 Q And do you know the names and the physical
8 descriptions of each of the people that you took into
9 custody that night?

10 A Yes.

11 Q Would you please give the name of each person taken
12 into custody, a physical description of that person and
13 indicate their age.

14 A Okay. I'll just quickly look at my notes.

15 THE COURT: If you have to.

16 A Let me see, there was Raymond Santana, who was, who
17 is fourteen, and he was in apparently normal condition.

18 MR. RIVERA: Objection.

19 Q What was his race?

20 THE COURT: Don't tell us about normal
21 condition, just give us the name, description of
22 what they --

23 Are you asking for description of their--

24 MS. LEDERER: Physical appearance.

25 MR. RIVERA: Objection.

H. C. Davis

1 T-1 Reynolds-Ppl-direct

823

2 Q Did you learn the race of Raymond--

3 MR. BURNS: Did you rule on the objection?

4 THE COURT: Just a minute, I'm trying to
5 clarify the question.

6 MS. LEDERER: I withdraw the prior question.

7 THE COURT: They're withdrawing.

8 MR. JOSEPH: She's withdrawing? Oh.

9 Q Officer, did you learn the race of Raymond Santana?

10 A Yes.

11 Q And what race was he?

12 A He was a male Hispanic.

13 Q And did you learn his address at the time he was
14 taken into custody.

15 A Yes.

16 Q What was the address?

17 MR. RIVERA: Objection.

18 THE COURT: I'll allow it..

19 A It was

20 Q And with respect to the others who were taken into
21 custody at that time?

22 A Yes.

23 Q Did you learn Kevin Richardson's age?

24 A Yes, he was fourteen.

25 Q And what was his, what was his racial make up?

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1 T-1 Reynolds-Ppl-direct

824

2 A He was Black.

3 Q And what was his address?

4 A

5 Q Did you learn the age of Clarence Thomas?

6 A Yes, he was 14.

7 Q And did you learn his address?

8 A That was

9 Q And what was his race.

10 A He was a male black also.

11 Q With respect to Lamont Mc Call, did you learn his
12 age?

13 A Yes. He was thirteen years old. He was a male
14 black and he lived at

15 Q And with respect to Steven Lopez?

16 A He was fifteen, he was a male Hispanic and he lived
17 at

18 Q At the time that these five people were taken
19 before the desk, were they handcuffed?

20 A Yes, they were.

21 Q How long were you before the desk with those five
22 people?

23 A I'd say approximately five to ten minutes.

24 Q And during the time you were before the desk, other
25 than the address and the date of birth and the age of those

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1 T-1 Reynolds-Ppl-direct 825

2 people, was any other information taken from them?

3 A Yes.

4 Q And what information was that?

5 MR. JOSEPH: Objection.

6 A Their telephone numbers.

7 Q Who took that information from them there?

8 A Police officer Powers.

9 Q After you finished appearing before the desk,
10 before the desk sergeant, where did you go?

11 A I went to the juvenile room with the defendants.

12 Q Where was the juvenile room located?

13 A It was in our clerical office, which is a seperate
14 building from the precinct.

15 Q And how is it seperate from the precinct?

16 A It was separated by a driveway and --

17 Q Would you tell the members of the jury what is a
18 juvenile room?

19 A A juvenile room is a room designated by the Family
20 Court which is suitable for questioning of juveniles for
21 their arrest or if they're lost or if you have a juvenile in
22 police custody for any reason, this is the room which you
23 take them in.

24 Q What is a juvenile?

25 A A juvenile is any person under the age of sixteen.

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1 T-1 Reynolds-Ppl-direct

826

2 Q What if anything did you do when you entered the
3 juvenile room with these five young men?

4 A I brought them in the room, took off their
5 handcuffs and arranged seating for all of them.

6 Q What did you do after you took off the handcuffs
7 and arranged seating for these five people?

8 A Then I started to do the paperwork.

9 Q What paperwork are you talking about?

10 A It's the on line booking sheet, that's the
11 paperwork you do when someone is arrested and juvenile
12 arrest package.

13 Q How many different sets of papers are required for
14 a juvenile package for each individual?

15 A There is about six or seven for each juvenile.

16 Q And where was officer Powers while you were doing
17 the paperwork?

18 A He was calling their parents.

19 Q And did there come a time when he finished making
20 those calls?

21 A Yes.

22 Q And did you see him after he finished making those
23 calls?

24 A Yes.

25 Q Where did you see him?

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1 T-3 Reynolds-Ppl-cross (Rivera) 909

2 the Assistant District Attorneys and all sworn
3 jurors are present.

4 THE COURT: All right, good afternoon, ladies
5 and gentlemen.

6 THE CLERK: Officer Reynolds, may I remind you
7 you're still under oath.

8 THE WITNESS: Yes.

9 CONTINUING CROSS EXAMINATION

10 BY MR. RIVERA:

11 Q Officer, before we broke, you indicated to us that
12 there was some chiefs and members of the press that were
13 present at the Central Park Precinct; is that correct?

14 A Yes.

15 Q And is that unusual to see top brass at the Central
16 Park Precinct during an arrest?

17 A There is not a lot of arrests there, so, but yeah,
18 I would say it is. Slight.

19 Q Under normal circumstances would it be unusual to
20 see a high member of the brass at any precinct when youths
21 are arrested?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 A It depends on the precinct.

25 Q Are there some precincts where this would not be

E. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera)

910

2 unusual?

3 MS. LEDERER: Objection.

4 A Yes.

5 Q What about the Central Park Precinct, is this
6 unusual at the Central Park Precinct?

7 A Slightly, yes.

8 Q And the same applies for the members of the press?

9 A Yes.

10 Q Is this the first time you make an arrest where you
11 have that kind of brass and that kind of press present?

12 A Yes.

13 Q And at what point in time were you apprised that
14 there case was going to have special significance within the
15 modus operandi of the Police Department.

16 MS. LEDERER: Objection.

17 THE COURT: Sustained.

18 Q Were there any Assistant District Attorneys present
19 at any time when you were involved in this case between
20 April the 19th and April the 20th?

21 MS. LEDERER: Objection.

22 THE COURT: I'll let him answer.

23 A Yes.

24 Q And would that about A.D.A. Lederer?

25 A Yes.

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1 T-3 Reynolds-Ppl-cross (Rivera) 911

2 Q And was there also an A.D.A. Fairstein?

3 A Yes.

4 Q Were there any other members of the District
5 Attorney, District Attorney present, particularly any
6 Assistant District Attorney?

7 A I don't think so.

8 Q And when for the first time did you see an
9 Assistant District Attorney on this matter?

10 A The night of the 20th.

11 Q Prior to the evening of the 20th, you had not seen
12 any A.D.A.s?

13 A Regarding this matter?

14 Q Regarding this case.

15 A No.

16 Q Did you see them in the building or any other
17 buildings involved in the case?

18 A No.

19 Q Prior to the 20th?

20 A No.

21 Q Officer, you testified that you spoke to a police
22 officer Alvarez; is that correct?

23 A Yes.

24 Q And police officer Alvarez informed you of an
25 assault on an individual; is that correct?

U. C. Davis

T10-SC-TS

2498

1 Arroyo - Cross - Rivera

2 Q And that part was not in when you first made out
3 this statement, is that correct?

4 A That's correct. Because if he had anything
5 additional to add, it would have been added there.

6 Q But it wasn't in when you read the statement to
7 Ramon?

8 A That's correct.

9 Q Now, were you the one who called the district
10 attorney's office to have him come down?

11 A No, I was not.

12 Q Were you present when the DAs office showed up?

13 A Yes.

14 Q And at about what time did representatives of the
15 DAs office show up?

16 A I'm not sure exactly what time they showed up. I
17 first encountered the DAs at the 20th Precinct after I was
18 finished at the Central Park Precinct.

19 Q So, they weren't at the Central Park Precinct?

20 A Well, I don't recall seeing them there.

21 Q First time you saw them was at the 20 Precinct, 20th
22 Precinct?

23 A That's correct.

24 Q And was this in the morning or in the afternoon that
25 you saw them?

T10-SC-TS

2499

1 Arroyo - Cross - Rivera

2 A This was in the evening.

3 Q And you have no recollection at about what time you
4 saw them?

5 A No, I don't.

6 Q And who from the district attorney's office did you
7 see at the precinct?

8 A I saw district attorney Linda Fairstein, district
9 attorney Liz Lederer and district attorney Tim Clements.

10 Q Do you know who Linda Fairstein is in the hierarchy
11 of the district attorney's office?

12 A Yes.

13 Q And who is she?

14 A She was the sex crimes senior trial lawyer for the
15 DAs office.

16 Q Was she the chief of the sex crime unit for the DAs
17 office?

18 A I'm not exactly sure what her rank was, but she held
19 some position along those lines at that time.

20 Q She had a position within the district attorney's
21 office, a high position within the DAs office, is that
22 correct?

23 A Well, I would assume you would call it that, yeah.

24 Q And you saw them there on the evening of April the
25 20th, am I correct in that?

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T10-SC-TS

2500

¹ *Álvarez = Gross = Rivera*

2 A Yes.

3 Q And the job of a district attorney, the primary job
4 of the district attorney is to assist the police in getting a
5 statement from a defendant?

6 A That's not correct.

7 Q They assist the police in getting a video statement
8 from the defendant, is that correct?

A They did perform video statements, yes.

10 Q When you got the statement from Ramon Santana, you
11 didn't run out and call the DAs office and say we got a
12 statement from Defendant Santana, come on down so we can make
13 a video of it?

14 A Absolutely not.

15 Q You waited to get statements from all defendants
16 before you called the DAs office?

17 MR. CLEMENTS: Objection.

THE COURT: Objection sustained.

19 Q And so -- were you present when a video statement
20 was taken of Ramon Santana?

21 A Yes, I was.

Q And who else was present in the room?

23 A Ramon Santana, Ramon Santana, Sr., district attorney
24 Liz Lederer and detective Mike Sheehan.

Q And yourself, is that correct?

For more information about the study, please contact Dr. Michael J. Kupferschmidt at (415) 502-2555 or via email at kupferschmidt@ucsf.edu.

T10-SC-TS

2501

1 Arroyo - Cross - Rivera

2 A And myself.

3 Q And detective Sheehan is from the Manhattan North
4 Homicide?

5 A That's correct.

6 Q Did you escort Ramon into the video room?

7 A I don't recall. I don't believe I did. I don't
8 recall if I did escort him.

9 Q Did you at any point in time tell Ramon that they
10 were going to take a video statement of him?

11 A No, I don't recall.

12 Q When you finished questioning Ramon at 4:40 in the
13 afternoon, did you say Ramon, you got to wait around because
14 we're going to take a video statement of you?

15 A You got to what?

16 Q You have to wait around because we're going to take
17 a video statement of you?

18 A No, I didn't tell him that.

19 Q It was your testimony you went up and you gave a
20 statement that you took from Ramon Santana to one of the
21 supervisors, is that correct, detective supervisors?

22 A That's correct.

23 Q Was that detective supervisor Lieutenant Doyle?

24 A That's correct.

25 Q And this was the commanding officer of the homicide

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1 Eric Reynolds

2 | the park?

3 A. We continued to canvas.

4 Q. You continued to canvas, okay,
5 inside the park?

6 A. Yes.

7 Q. How long did you canvas inside the
8 park?

9 MR. MYERBERG: Objection.

10 A. Again, I don't recall.

11 Q. Do you remember what you did? Did
12 there come a time that you ever left the park?

13 A. Yes.

14 Q. And do you remember approximately
15 what time you left the park?

16 A. I think it was, I believe it was
17 10:50.

18 Q. About 10:50, okay.

19 A. 10:45. I'm not sure of the exact
20 time.

Q. That's okay. And so you left the park, you and Officer Powers. Why did you leave the park? I'm curious, why did you stop the canvassing inside the park?

25 A. Because I didn't believe that the

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1 Eric Reynolds

2 group was in the park anymore.

Q. So is it fair to say from about 9:15 until the time that you left at about 10:45 thereafter, you never ever saw any black males in the park; is that correct, in the northern end of the park?

8 MR. MYERBERG: Objection.

9 A. No.

Q. You can answer.

11 A. No, it's not fair to say.

12 Q. Other than the ones who were on the
13 playground; is that correct?

14 A. No.

15 Q. You never saw any group of black
16 males together inside the park in the northern
17 end at any time between 9:15 and the time you
18 left; is that correct?

19 MR. MYERBERG Objection.

A. I don't believe --

21 MR. MYERBERG: You can answer.

22 A. I don't believe so.

Q. Right. And as a matter of fact,
isn't that why you decided to leave and go over
to, was it Central Park West that you went to?

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1 Eric Reynolds

2 A. Yes.

3 Q. And you went over to Central Park
4 West. When you exited the park on Central Park
5 West, what street did you exit on?

6 A. 100th Street.

7 Q. 100th Street, okay.

8 A. Yes.

9 Q. And when you got to Central Park
10 West going out the 100th Street exit, which way
11 did you go from there, a left or a right?

12 A. We made a right.

13 Q. Is there any special reason you
14 made a right?

15 A. Because we saw a large group of
16 male blacks and Hispanic teenagers.

17 Q. When you first saw them, where did
18 you see them on Central Park West?

19 A. They were between 101st and 102nd
20 Street.

Q. So they were walking -- correct me if I'm wrong, Detective -- they were walking in a northerly direction; is that correct?

24 A. Yes.

25 Q. So is it fair to say they were

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4 A. Yes.

5 Q. On Central Park West?

6 A. Yes.

7 Q. So they were walking in the
8 direction of 102nd Street, correct?

9 A. I'm sorry?

10 Q. They were walking in a northerly
11 direction. You say you saw them at about 101st.
12 They were walking in a northerly direction
13 toward 102nd Street; is that correct?

14 A. That's correct, yes.

15 Q. When you saw them, what did you and
16 Officer Powers do?

17 MR. WARREN: Withdrawn.

18 Q. Let me ask you a question before
19 that. When you saw them, they were just
20 walking; is that correct?

21 A. They were walking, talking with
22 each other.

23 Q. Right, when you saw them, at no
24 time did you see them harassing anybody, beating
25 anybody, you didn't see any of that?

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1 Eric Reynolds

2 A. There was no one else on the street.
3 but them.

4 Q. So they were just walking and
5 talking together; is that correct?

A. That's correct.

Q. Approximately how many of them were there, sir?

9 A. There was a lot. I had estimated
10 between, you know, ten, 15. There might have
11 been more. I don't recall though.

12 Q. And were they all black males?

13 A. They were male black and Hispanics.

14 Q. And Hispanics?

15 A. Yes.

16 Q. So after you saw them walking from
17 a southerly direction north in the direction of
18 102nd Street, what happened after that, what did
19 you all do?

20 A. I was going to take my radio, and
21 first we were observing them, and I was going to
22 take my radio and ask for additional units to
23 respond so that we could stop the group.

24 Q. Go ahead, sir. I'm sorry, go
25 ahead.

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1 Eric Reynolds

2 A. That's it.

3 Q. Okay, why were you going to be
4 asking for additional units if they were just
5 walking and talking to each other? I'm just
6 trying to get this etched deeply in my mind in
7 understanding it. Why would you call for
8 additional units?

9 A. Because there was a large number of
10 them.

11 Q. But they were just walking and
12 talking, right?

13 A. Yes.

14 Q. And that was it, no crimes being
15 committed, correct?

16 MR. MYERBERG: Objection.

17 A. We wanted additional units so that
18 we could stop all of them in case they decided
19 to run.

20 Q. What happened after that, after you
21 made the call for additional units?

22 A. I didn't get to make the call.

23 Q. Why not?

24 A. Because the group stopped and
25 started pointing at us, and then some of th

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Q. What happened after that?

6 A. There was a rap on my window and it
7 was, turned out that there was a cop in uniform
8 on a scooter, and that officer was Officer
9 Flores had pulled up to us to tell us she
10 thought that might have been the group, and we
11 explained to her that's why we were there.

12 Q. She explained that might have been
13 the group, what did she mean?

A. The group we were looking for.

15 Q. But you never.

16 Saw anybody inside the northern end
17 of the park while you were in the park; is that
18 correct?

19 A. Sorry?

20 Q. You never saw any black males
21 inside the park --

22 MR. MYERBERG: Objection.

23 Q. -- while you were canvassing; is
24 that correct?

25 A. No, I didn't say that.

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Eric Reynolds

2 Q. So are you saying when she said it
3 might have been the group, what group are you
4 referring to?

5 A. The group that was harassing and
6 assaulting people.

7 Q. So after you saw Officer Flores --
8 is it Officer Flores?

9 A. Yes.

10 Q. Then what happened after that?

11 A. Because the group, some of them
12 started, some of them in the rear started to
13 walk away in the opposite direction, we decided
14 to pull the van into the intersection of 102nd
15 and Central Park West --

16 Q. Yes.

17 A. -- to block the group and stop them
18 so we could, so we could, you know, show up.

19 Q. Did you stop them or what?

20 A. We tried to stop them.

21 Q. What did you do after that?

22 A. We pulled the van up into the
23 intersection. I got out of the van. Officer
24 Powers got out also.

25 Q. Yes.

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1 Eric Reynolds

2 A. We identified ourselves as police
3 officers and told them not to run and the group
4 started running.

5 Q. In which direction did the group
6 run?

7 A. They ran south.

8 Q. They ran south?

9 A. Yes.

10 Q. On Central Park West?

11 A. Yes.

12 Q. All of them?

13 A. No.

14 Q. And what happened after that, what
15 did you do?

16 A. I approached Raymond Santana and
17 Steven Lopez along with my partner, and we put
18 them against the wall and frisked them for
19 weapons.

20 Q. Where did you approach Raymond
21 Santana and Seven Lopez?

22 A. On the sidewalk between 101st and
23 102nd Street on Central Park West.

Q. Is there any particular reason why you approached Raymond Santana and Steven Lopez,

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4 A. Because they were part of the
5 group.

Q. But other than the fact that --
part of what group, the group that was walking
up Central Park West?

9 A. Yes.

Q. But other than that, is there any reason why you stopped those particular two?

12 A. Well, again, they were part of the
13 group.

14 Q. That was walking up Central Park
15 West?

16 A. Yes.

17 Q. But that's the only reason why you
18 stopped those two; is that correct?

19 MR. MYERBERG: Objection.

20 A. No.

21 Q. I'm sorry?

22 A. No.

23 Q. What was the other reason?

24 A. They fit the description of the
25 males we were looking for.

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1 Eric Reynolds

Q. When you say they fit the
description of the males you were looking for,
when you heard the radio transmissions, was
there a clothing description given of the males?

A. I don't recall.

7 Q. Was there a color description given
8 of the males?

9 MR. MYERBERG: Objection.

10 A. We were given a description of
11 teenage males, black and Hispanics.

12 Q. Right, that was the only
13 description you were given; is that correct?

A. As far as I can recall, yes.

15 Q. What happened after that, after you
16 approached Lopez and Santana?

17 A. They stated that they weren't with
18 the group, that the group was about to rob them

19 Q. Were there any other members of the
20 group that were stopped or brought back?

21 A. You mean -- if you can rephrase
22 that.

23 Q. Yes. I mean after you stopped
24 Lopez and Santana, of the group that you said
25 you saw, were there any other young men, young

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1 Eric Reynolds

2 boys who were arrested?

3 A. Yes.

4 MR. MYERBERG: Objection.

5 Q. And how many others and what are
6 their names?

A. There were three others.

8 Q. Who were they?

9 A. Lamont McCall, Clarence Thomas and
10 Lamont McCall, Clarence Thomas, and I forgot the
11 third. The last name was Richardson.

12 Q. Kevin Richardson?

13 A. Kevin Richardson.

14 Q. So there were five in all arrested
15 from this group; is that correct?

16 A. Yes.

17 Q. And after these young boys were
18 arrested. what happened after that?

19 MR. MYERBERG... Objection.

20 O. Go ahead, you can answer.

21 A. Which young boys?

22 Q. The five that you just mentioned,
23 Steven Lopez, Raymond Santana, Lamont McCall,
24 Clarence Thomas and Kevin Richardson.

25 A. We brought them to 100th Street and

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1 Eric Reynolds

2 Central Park West.

3 Q. When you say "we," was it in your
4 vehicle?

5 A. NO.

6 Q. Who transported these five young
7 boys?

8 MR. MYERBERG: Objection.

9 A. They weren't transported together
10 in one car.

11 Q. That's fine. Who did the
12 transport?

13 A. Sergeant Wheeler and I don't recall
14 who his partner was, and then I believe Sergeant
15 Lail and Officer Hennigan.

16 Q. Who did Sergeant Wheeler transport?

17 A. Lopez and Santana.

Q. And the others were transported by Sergeant Lail?

20 A. I believe so.

21 Q. And was there a discussion at all
22 after these boys were stopped and before they
23 were transported about doing a showup
24 identification with Mr. Loughlin?

25 A. Yes.

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1 Eric Reynolds

Q. And was a showup identification conducted?

4 A. No.

5 Q. Why not?

A. Mr. Loughlin's injuries were too extensive. He wasn't able to ID.

8 Q. Where was Mr. Loughlin at that
9 time?

10 A. He was in the hospital.

11 Q. And when you say -- what hospital
12 was he in?

A. I don't recall that.

14 Q. Would it refresh your recollection
15 if I told you that he was in St. Luke's
16 Hospital?

17 A. It sounds right.

18 Q. How did you find out his injuries
19 were such that he would not be able to
20 participate in a showup identification?

21 A. I was informed of that by another
22 officer.

23 Q. By who?

A. I don't recall who said that.

25 Q. You don't recall?

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1 Eric Reynolds

2 **A.** **No.**

Q. How soon after the arrest of these five boys were you informed that Mr. Loughlin was in such a condition that you could not conduct a showup?

7 A. It was maybe ten, 15 minutes. I
8 don't recall.

9 Q. Ten or 15 minutes?

10 A. It could have been. I don't recall
11 what the time frame was.

12 Q. Were these young boys, were they at
13 the precinct when you found out what you
14 described as his condition, or were you still
15 out in the street?

A. We were still in the street.

Q. What were the nature of his injuries?

19 MR. MYERBERG: Objection.

20 A. He was beaten with a pipe, I
21 believe.

22 Q. But why couldn't he participate in
23 the showup?

24 MR. MYERBERG: Objection.

25 A. My understanding was both of his

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2 eyes were swollen shut.

3 MR. WARREN: I'd like to get this
4 marked as Reynolds 3.

5 [Page 715 of a transcript was
6 hereby marked as Reynolds Exhibit 3 for
7 identification, as of this date.]

8 Q. Let me know when you're finished
9 reading. Have you read that document?

10 A. Yes.

11 Q. Having read that, this is your
12 testimony in a prior proceeding. Does that
13 refresh your recollection that you've testified
14 previously that only one of his eyes was badly
15 damaged?

16 MR. MYERBERG: Objection. That's
17 not the testimony here.

18 Q. Were both of his eyes shut or just
19 one of his eyes?

20 A. Again, my understanding was that
21 both of his eyes were swollen shut. My
22 testimony here is that at least one of his eyes
23 was badly damaged.

24 Q. Well, that at least he had one of
25 his eyes was badly damaged, is that what it

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A. Yes.

Q. It doesn't say both of his eyes?

5 A. I'm sorry, that wasn't my testimony.
6 earlier. I just said both were swollen shut.

Q. I see, thank you.

8 MR. MYERBERG: Just for the record,
9 this is page 715 in the top right corner.
10 Reynolds People Recross Colleen Moore.

11 MR. WARREN: That's correct,
12 starting with line 11 going through 19.
13 Q. Now, what time did you arrive at
14 the precinct, sir?

15 A. I believe it was around 11.

16 O. Eleven o'clock?

17 A. Yes.

18 Q. When you arrived at the precinct,
19 what did you observe?

20 A. I believe the defendants had gotten
21 there just before me and were standing in front
22 of the desk.

Q. And who else was present at that time that you recall?

25 A. Sergeant Lail, Officer Hennigan,

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1 Eric Reynolds

2 Sergeant Wheeler may have been there also, I
3 believe. I'm not 100 percent sure.

4 Q. And what did you do after arriving
5 at the precinct?

A. Went to the desk officer and informed him of what I had.

8 Q. Who was the desk officer at that
9 time?

10 A. I don't recall.

11 Q. Would that have been a sergeant or
12 a lieutenant?

13 A. It could have been either.

Q. Do you know a Lieutenant McInerney?

15 A. I know who he is.

16 Q. Was he at the desk that night when

20 desk officer, then what did you do?

21 A. I explained to him what I had.

Q. Then what happened?

23 A. I gave him the names and pedigree
24 information of each of the defendants.

25 Q. Did you actually take down the

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1 Eric Reynolds

2 pedigree information?

3 A. From each defendant?

4 Q. Yes.

5 A. Well, at that point it would have
6 been the desk officer.

7 Q. The desk officer?

8 A. Yes.

9 Q. And what did you do after you
10 arrived and after you saw the desk officer, what
11 did you do thereafter?

12 A. I brought the defendants to the
13 juvenile room.

14 Q. And what floor of the precinct was
15 that in?

A. That's on the first floor.

17 Q. The first floor?

18 A. Yes.

19 Q. And what did you do after that,
20 sir?

21 A. I started to process the arrest.

22 Q. When you started to process the
23 arrest, can you describe a little further what
24 you mean by that?

A. I started to do the paperwork.

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1 Eric Reynolds

2 Q. Okay. On each of the young boys;
3 is that correct?

4 A. Yes.

5 Q. And how long did that process last,
6 doing the paperwork on each of these five young
7 boys?

8 A. I don't recall.

9 Q Would it have been several hours?

10 A. Again, I don't recall how long each
11 one took.

12 Q. Did you do the paperwork on each
13 one of them?

14 A. Yes.

15 Q. And did there come a time that any
16 of their parents arrived?

17 A. Yes.

18 Who was the first parent to arrive?

19 A. Kevin Richardson's mother.

20 Q. Mrs. Cuffee?

21 A. Yes.

22 Q. And approximately what time did Ms.
23 Cuffee arrive at the precinct?

24 A. I believe it was around 12 o'clock
25 at night.

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1 Eric Reynolds

Q. Was she alone at that time?

3 A. I believe so.

4 Q. When she arrived, can you tell us
5 what took place?

6 A. I explained to her that her son was
7 under arrest with the others.

8 Q. What was her son under arrest for?

A. Unlawful assembly, and I believe
the assault on Mr. Loughlin.

11 Q. The assault on Mr. Loughlin?

12 A. I believe so.

13 Q. Had there been an identification at
14 that point by Mr. Loughlin of her son?

15 **A.** **No.**

16 Q. Nevertheless, he was arrested for
17 unlawful assembly and assault on Mr. Loughlin?

18 MR. MYERBERG Objection.

19 Q. You can answer.

20 A. I know he was arrested for the
21 unlawful assembly. I'm not sure if the assault
22 charge was included.

23 Q. He was arrested for unlawful
24 assembly where?

25 A. In Central Park.

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Q. In Central Park?

A. Yes.

Q. Is there anyone who identified him as being in Central Park that night?

MR. MYERBERG: Objection.

A. Nobody as far as --

Q. Yes.

A. -- civilian witnesses?

Q. Yes.

A. No.

Q. What about the others?

MR. WARREN: Withdrawn.

MR. MYERBERG: The witness has just asked to take a bathroom break. Is that possible?

MR. WARREN: Oh, sure. We'll take a five-minute break.

MR. MYERBERG: Ten minutes.

MR. WARREN: Ten minutes, fine.

(A recess was taken.)

MR. MYERBERG: Mr. Warren, let me put one thing on the record for the interviewers that are working for your firm. Everyone signed Exhibit A; is that correct? And th

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1 Hartigan/cross/Mr. Moore 2592
2 J O H N H A R T I G A N, was recalled as a witness in
3 behalf of the People, having previously been duly sworn,
4 continues to testify as follows:

5 MR. MOORE: May we approach?

6 THE COURT: Yes.

10 | **(Pause)**

11 THE CLERK: Detective, having been previously
12 been sworn, you're still under oath.

13 THE WITNESS: Yes, sir.

14 THE COURT: Members of the jury, you recall Mr.
15 Hartigan was here previously, was interrupted. And
16 we are going to resume his examination today, cross
17 examination by Mr. Moore.

18 || CROSS EXAMINATION

19 BY MR. MOORE;

20 Q Mr. Hartigan, good morning.

21 A Good morning, sir.

22 Q You indicated in previous cross examination by Mr.
23 Diller that you retired from the N.Y.P.D sometime in July of
24 1989, am I correct?

25 A Yes, sir.

Hartigan/cross/Mr. Moore 2593

2 Q You also indicated that you were a patrolman for
3 five years and that you were a detective for twenty years,
4 am I correct?

5 A In the detective division for twenty years, yes,
6 sir.

7 Q How long were you with the Manhattan North homicide
8 detective unit?

9 A Three years.

10 Q And during your tenure with Manhattan North, Mr.
11 Hartigan, how many cases, homicide cases have you
12 investigated?

13 A It's hard to say. It's a large number of homicides
14 that we did. We worked on old homicides. We worked on new
15 homicides as they came in. We went back on old homicides.

16 Q And what percentage of those cases have resulted in
17 arrests?

18 MS. LEDERER: Objection.

19 THE COURT: Objection sustained.

20 Q Now, have those cases that you worked on, what
21 percentage of the defendants in those cases have been black
22 and Hispanic males?

23 MS. LEDERER: Objection.

24 **THE COURT:** Sustained.

Q Of those cases that you have worked on, what

Hartigan/cross/Mr. Moore 2594

2 percentage of those cases have been based on statements?

3 MS. LEDERER: Objection.

4 THE COURT: Sustained.

5 Q Now, you've indicated, Mr. Hartigan, that you have
6 in the course of your investigation, you have dealt with
7 young people, am I correct?

A Yes, sir.

9 Q Would you say in a large percentage of your cases
10 or a small percentage of those cases?

11 A I'd say a small percentage.

12 Q Now, in April 20, 1989 your tour of duty was from 8
13 o'clock in the morning to 4 o'clock in the afternoon, am I
14 correct?

15 A Yes, sir.

16 Q And in fact, Detective Hartigan, you were fairly
17 busy on that particular day, were you not?

18 A Pardon me?

19 Q You were fairly busy on April 20th, were you not?

20 A Yes, sir.

21 Q As a matter of fact, you participated in the
22 interview of Kevin Richardson from 9:40 in the morning until
23 about 1 o'clock in the afternoon, am I not correct?

24 A From about 10 o'clock in the morning, yes, sir.

25 Q Until about 1 o'clock?

Hartigan/cross/Mr. Moore 2595

2 A Yes, sir.

3 Q And that interview resulted in a statement from
4 Kevin Richardson, am I not correct?

5 MS. LEDERER: Objection as to form.

THE COURT: Objection as to form is sustained.

7 Q Well, after the interview Kevin Richardson did give
8 you a statement, is that correct?

9 A Kevin Richardson was giving a statement at the time
10 I sat in on the interview.

11 Q Yeah. And he gave you a statement, a written
12 statement?

13 A Yes, sir.

14 Q And from 1 to 6 o'clock you participated in the
15 interview of Raymond Santana, am I correct?

16 A Yes, sir.

17 Q And that was from 1 to 6 o'clock?

18 A I can't recall exactly what -- I believe it was 1
19 -- 4 to 6 o'clock. I can not exactly recall the hour.

20 Q And at the end of the interview Raymond Santana
21 signed a statement, isn't that correct?

33 A Yes sir

23 Q And, as a matter of fact, during your examination
24 of Raymond Santana from 1 to 4 o'clock you asked him
25 repeatedly --

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1 J. HARTIGAN

2 A. No.

3 Q. Detective Inspector Powell, did
4 you know what he looked like?

5 A. Yes.

6 Q. Did you see him either in the
7 building or on the grounds of the Central
8 Park Precinct?

9 A. I don't recall seeing him.

10 Q. You don't recall seeing him,
11 either?

12 A. No, sir.

13 Q. You knew ADA Fainstein at that
14 time, correct?

15 MS. DOLAN: Objection to form.

16 BY MR. WARREN:

17 Q. You can answer.

18 A. Yes.

19 Q. Do you recall seeing her on the
20 grounds at that time?

21 A. No. I don't recall seeing her.
22 I don't believe I saw her there. When I
23 arrived at ten o'clock in the morning?

24 Q. Yes, sir.

25 A. No, I don't recall.

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1 J. HARTIGAN

2 Q. Did you ever see her there at
3 the Central Park Precinct?

4 A. I don't recall ever seeing her
5 at Central Park.

6 Q. You don't recall seeing her at
7 the Central Park Precinct during the time
8 you were there?

9 A. That's correct.

10 Q. How about ADA Lederer?

11 A. I don't recall seeing her in
12 Central Park.

13 Q. So are you saying you didn't
14 see them?

15 A. I don't recall. I have no
16 recollection of seeing them in Central
17 Park.

18 Q. You're saying when you first
19 arrived at Central Park, you went into a
20 building and spoke to a desk officer; is
21 that correct?

22 A. That's correct.

23 Q. Were there any other officers
24 or personnel in that first building that
25 you walked into?

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1 J. HARTIGAN

2 A. I don't remember. There must
3 have been other police officers. There's
4 always police officers within the
5 confines of the precinct or the
6 stationhouse.

7 Q. Did you see any officers that
8 you recognized in that first building?

9 A. No, sir, I did not. I don't
10 remember seeing anybody.

11 Q. What happened after you walked
12 into that first building?

13 A. The desk officer informed us
14 that the investigation was being
15 conducted in the youth room and I believe
16 he directed us where to go to the youth
17 room.

18 Q. At that time, what was the
19 purpose that you had in your mind for
20 going to the youth room?

21 MS. DOLAN: Objection to form.

22 You can answer.

23 A. To assist in any way that we
24 could.

25 Q. Assist in any way that you

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1 J. HARTIGAN

2 could?

3 A. Yes, sir.

4 Q. When you got the call to go to
5 the Central Park Precinct that you had
6 referred to earlier, was there a
7 discussion by whoever called you that you
8 should at some point go to the youth room
9 once you arrived?

10 A. I don't believe the youth room
11 was mentioned. I have no idea. I don't
12 know if the youth room was mentioned
13 prior to that or when I went in to see
14 the desk officer.

15 Q. When you say you don't
16 remember, you're saying the youth room
17 could have been mentioned during that
18 initial call instructing you to go to the
19 Central Park Precinct?

20 MS. DOLAN: Objection to form.

21 A. I don't believe it was.

22 Q. You don't believe it was?

23 A. Yes, sir.

24 Q. Okay. When you arrived in that
25 first building -- by the way, who were

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1 J. HARTIGAN

2 you working with on that day?

3 A. Detective Scott Jaffer.

4 Q. J-A-F-F-E-R?

5 A. Yes, sir.

6 Q. Prior to that date, how long
7 had you worked with Detective Jaffer?

8 A. We had come into the Manhattan
9 North Homicide Division together.

10 Q. So three years?

11 A. Approximately three years.

12 Q. Was he your steady partner at
13 that time?

14 A. Yes.

15 Q. When you went into that first
16 building, were you the one who was
17 involved with the discussion with the
18 desk officer or was it Detective Jaffer
19 or were you doing it interchangeably?

20 A. I don't remember who it was.
21 It could have been me or Detective

22 Jaffer, I don't remember.

23 Q. At that point, can you tell me
24 what your expectations were in terms of
25 the type of assistance that you would

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1 J. HARTIGAN

2 render in the investigation when you were
3 talking to the desk officer?

4 A. I don't believe the desk
5 officer knew anything in regard to the
6 investigation. He was just directing us
7 where to go.

8 Q. No, I'm asking you in your
9 mind, what were your expectations in
10 terms of the type of assistance that you
11 would offer investigation-wise with
12 respect to that case?

13 A. Any type of assistance that the
14 superior officer that was assigned to the
15 case would want or the detective who was
16 assigned to the case would need.

17 Q. Who were those superior
18 officers?

19 A. I don't remember if Lieutenant
20 Doyle was there.

21 Q. I'm sorry?

22 A. I don't remember if Lieutenant
23 Doyle was there.

24 Q. Could he have been there?

25 A. He might have. He could

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1 J. HARTIGAN

2 possibly have been there, yes.

3 Q. What was his title?

4 A. Lieutenant of the Manhattan
5 North Homicide Squad. Commanding officer
6 of the Manhattan North Homicide Squad.

7 Q. So you were under his command;
8 is that correct?

9 A. Yes, sir.

10 Q. And Detective Jaffer was under
11 his command; is that correct?

12 A. Yes, sir.

13 Q. And would you agree, sir, that
14 the Central Park case received enormous
15 publicity?

16 MS. DOLAN: Objection.

17 BY MR. WARREN:

18 Q. You can answer.

19 A. At what time, sir?

20 Q. At that time?

21 A. I don't believe so. I don't
22 remember seeing or hearing anything about
23 it at the time I got to Central Park.

24 Q. But would the lieutenant have
25 been your immediate supervisor if he was

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1 J. HARTIGAN

2 A. I don't remember.

3 Q. Okay. So when you left that
4 first building, what did you do and where
5 did you go?

6 A. To the youth room.

7 Q. To the youth room. That was in
8 an entirely different building; is that
9 correct?

10 A. Yes, sir.

11 Q. Once you got to the youth room,
12 did you see any white shirts, any
13 supervisors?

14 A. No, sir, I don't believe so.

15 Q. Okay. When you got to the
16 building housing the youth room, what did
17 you do?

18 A. We entered into the youth room
19 and I -- Sergeant Fiston was there. We
20 identified ourselves to Sergeant Fiston
21 and told him we were extra manpower. If
22 he needed anything, we were there to
23 assist him.

24 Q. Had you ever interacted with
25 Sergeant Fiston before, prior to that?

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1 J. HARTIGAN

2 A. I don't remember.

3 Q. To your knowledge, what role
4 did Sergeant Fiston have with the
5 investigation at that point?

6 A. I don't know. All I know is
7 that he was a sergeant.

8 Q. He was in the room when you
9 arrived?

10 A. Yes.

11 Q. Did Detective Jaffer accompany
12 you in the room?

13 A. Yes.

14 Q. Who else was in the room?

15 A. Detective Gonzalez.

16 Q. Detective Gonzalez?

17 A. Yes.

18 Q. And who else?

19 A. Kevin Richardson, a person I
20 subsequently learned was Kevin
21 Richardson, and his mother.

22 Q. What took place when you came
23 into the room? What happened?

24 A. I informed Sergeant Fiston that
25 we were from the Homicide Squad and we

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1 J. HARTIGAN

2 were there to assist him in any way he
3 needed it.

4 Q. What was Sergeant Fiston doing
5 at that time when you first walked in?

6 A. As far as I remember, he was
7 just standing there.

8 Q. He was just standing there?
9 Was he talking to anybody?

10 A. I don't recall his talking to
11 anybody.

12 Q. And you said that Detective
13 Gonzalez was in the room, as well?

14 A. Yes, sir.

15 Q. What was he doing when you and
16 Detective Jaffer first walked in?

17 A. He was sitting down.

18 Q. He was sitting down?

19 A. Yes, sir.

20 Q. And what was he doing while he
21 was sitting down?

22 A. He was talking to Mr. Richardson.

23 Q. He was talking to Mr. Richardson?

24 A. Yes, sir.

25 Q. When you say talking, did it

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1 J. HARTIGAN

2 appear to be an interview?

3 A. I believe so, yes.

4 Q. So is it fair to say that when
5 you walked in, an interview was in
6 progress?

7 MS. DOLAN: Objection to form.

8 You can answer.

9 A. It appeared to be, yes.

10 Q. And that was Kevin Richardson
11 being interviewed by Detective Gonzalez;
12 is that correct?

13 A. Yes, sir.

14 Q. What time was that when you
15 walked in, approximately?

16 A. Somewhere around ten o'clock.

17 Q. Somewhere around ten o'clock?

18 A. Yes.

19 Q. After you walked in, Detective,
20 what did you do immediately thereafter?

21 A. Again, I spoke to Sergeant
22 Fiston.

23 Q. What did you speak to Sergeant
24 Fiston about?

25 A. That we were from the Homicide

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1 J. HARTIGAN

2 Squad and we were extra manpower if he
3 needed us.

4 Q. When you were speaking with
5 him, was the interview still going on
6 with Kevin Richardson and Gonzalez?

7 A. I don't remember if the
8 interview was still going on.

9 Q. And when you told him that,
10 what, if anything at all, did he say?

11 A. I don't remember.

12 Q. What happened after that?

13 A. Myself and Detective Jaffer
14 left the youth room.

15 Q. How long were you in the youth
16 room before you left?

17 A. I don't believe we were there
18 very long; maybe five minutes. Maybe
19 five minutes.

20 Q. So you came in, you spoke with
21 Sergeant Fiston. He was the only one you
22 spoke with at that time and you left,
23 correct?

24 A. Yes, sir.

25 Q. Other than Sergeant Fiston and

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1 J. HARTIGAN

2 Detective Gonzalez and Mr. Richardson,
3 was there anyone else in the room when
4 you and Detective Jaffer first arrived?

5 A. I believe there was another
6 person in the room, yes, at that time.

7 Q. Another person? Would that
8 have been a detective or a police
9 officer?

10 A. A detective or a police
11 officer.

12 Q. What was that person doing?

13 A. He was just sitting there.

14 Q. Where was Detective Gonzalez
15 seated in relation to Mr. Richardson when
16 you came into the room?

17 A. If I remember correctly, as we
18 entered the room, Detective Gonzalez was
19 on my left seated at a desk on my left.
20 Mr. Richardson was sitting in front of
21 him and Sergeant Fiston was standing over
22 here (indicated), which would be on my
23 right-hand side.

24 Q. On your right-hand side?

25 A. Yes.

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1 J. HARTIGAN

2 Q. And do you recall observing
3 Detective Gonzalez taking any notes while
4 he was having a discussion with Kevin
5 Richardson?

6 A. I don't recall that.

7 Q. You don't recall that?

8 A. I don't remember, no, sir.

9 Q. In other words, he could have,
10 you just don't remember?

11 A. I don't remember there were any
12 conversations while we were there. I
13 don't remember him speaking while we
14 there.

15 Q. You don't remember who
16 speaking?

17 A. Detective Gonzalez.

18 Q. What was he doing?

19 A. I guess we had interjected
20 ourselves into the interrogation and he
21 had just -- I believe he had stopped. I
22 believe he had stopped.

23 Q. When you say you had
24 interjected yourselves in the
25 interrogation, what do you mean?

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1 J. HARTIGAN

2 A. Into the interrogation room.

3 Into the youth room; when we came in.

4 Q. Okay.

5 A. I think -- I seem to remember
6 Detective Gonzalez stopping and as we
7 talked to Sergeant Fiston.

8 Q. What did you say to Detective
9 Gonzalez when he stopped?

10 A. I didn't say anything to him.

11 Q. And what did you say to -- did
12 you have a discussion with Ms. Richardson
13 at that time?

14 A. With who, sir?

15 Q. Ms. Richardson, at that time.

16 MS. DOLAN: I'm sorry, Ms. or
17 Mr.?

18 MR. WARREN: Miss.

19 THE WITNESS: Miss? M-I-S-S.

20 MR. WARREN: Yes.

21 THE WITNESS: You said a
22 Ms. Richardson --

23 MS. DOLAN: Objection to form.

24 BY MR. WARREN:

25 Q. Did you have discussions with

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1 J. HARTIGAN

2 anyone else?

3 A. I had no discussions with
4 anybody.

5 Q. Then there came a time that you
6 left the room; is that correct?

7 A. Yes, sir.

8 Q. How long were you and Detective
9 Jaffer in the room before you left?

10 A. I believe I already answered
11 that. About five minutes.

12 Q. Five minutes?

13 A. Yes, sir.

14 Q. For what reason did you leave?

15 A. We went outside, waiting any
16 instructions that -- whatever they needed
17 us to do. We had to enter back out into
18 the roadway awaiting any instructions.

19 Q. I'm trying to piece this
20 together in my mind. For what reason did
21 you leave the room after speaking with
22 Sergeant Fiston? Why didn't you stay in
23 the room?

24 A. Because we weren't part of what
25 was going on. We went outside waiting

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1 J. HARTIGAN

2 for instructions as to what they needed
3 done.

4 Q. Did Sergeant Fiston tell you to
5 go outside or what?

6 A. I don't remember, sir.

7 Q. But you went outside how long
8 after you spoke with him?

9 A. Approximately five minutes.

10 Maybe even less than five minutes.

11 Q. Maybe less than five minutes?

12 A. Yes, sir.

13 Q. So it was as a result of a
14 discussion that you had with Sergeant
15 Fiston that you and Detective Jaffer went
16 outside?

17 MS. DOLAN: Objection to form.

18 BY MR. WARREN:

19 Q. Is that correct?

20 A. I don't know if Sergeant Fiston
21 directed us to go outside or we just went
22 outside. I have no recollection of what
23 happened.

24 Q. Was he in your mind a
25 supervisory officer of the investigation

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1 J. HARTIGAN

2 at that time?

3 A. He was the supervisor that I
4 saw. He was the only supervisor I saw,
5 if I remember correctly.

6 Q. Would he have had the authority
7 to instruct both you and Detective Jaffer
8 to go outside if that's what his desire
9 was?

10 MS. DOLAN: Objection to form.

11 A. Yes. I imagine so, yes.

12 Q. So after speaking with him, you
13 and Detective Jaffer went outside.

14 A. Yes, sir.

15 Q. When you say you went outside,
16 where did you go when you went outside?

17 A. There's a roadway outside
18 between the buildings.

19 Q. So when you went outside,
20 you're saying that you left that building
21 all together; is that correct?

22 A. The youth room, yes.

23 Q. The youth room is in a
24 building; is that correct?

25 A. I think the youth room is part

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P-APP002597

KEVIN RICHARDSON

1 MR. MYERBERG: I think I'm entitled to ask
2 the question.

3 MR. MOORE: Well --

4 MR. MYERBERG: So, if you have an objection,
5 you can make the objection, but I'm entitled to
6 ask the question.

7 MR. MOORE: Note my objection.

8 Q. Did you have any semen on any of your clothing
9 that you had been wearing that night?

10 A. I don't know. I didn't have nothing.

11 Q. Sorry?

12 A. No.

13 Q. Now, at any time, apart from during the
14 videotaped statement, and during the visit to Central Park,
15 did you see ADA Elizabeth Lederer?

16 A. Repeat that, I'm sorry.

17 Q. At any time, other than the videotaped statement
18 and the time that you went to Central Park, sometime after
19 the -- April 19th, did you ever see ADA Lederer again at
20 any of the precincts that you were at?

21 A. I don't remember seeing her.

22 Q. And at any point, apart from when you went to
23 Central Park, did you see ADA Fairstein at any of the
24 precincts that you had been at?

25 A. I don't remember seeing her.

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T3-JM-TS

4949

1 Fairstein - People - Cross - Burns

2 Q Now, between 8:30 and 11:30, did you participate in
3 any questioning of any individuals?

4 A I questioned police officers.

5 Q Just officers.

6 A Right.

7 Q Now, at 11:30, you say, is the first time you --

8 MR. BURNS: Withdrawn.

9 Q At what point in time -- at what point in time did
10 you -- were you aware of the fact that Yusef Salaam was in the
11 20th Precinct?

12 A I have -- I would put it in the 11 o'clock period,
13 but it was between 11 and 11:30.

14 Q And do you have any -- can you tell the Court who
15 told you, or how you came by that information?

16 A I was in a room with a lot of police officers, and,
17 as different events unfolded that evening, because there were
18 many participants, and a lot of police activity, people would
19 enter the room to tell some of the supervisors what was going
20 on.

21 Q And I believe -- and you were functioning as a
22 supervisor?

23 A No. I'm talking about police supervisors.

24 Q But you were working along with the supervisors,
25 were you not?

NYCLD_015468

P-APP002608

T3-JM-TS

4950

1 Fairstein - People - Cross - Burns

2 MS. LEDERER: Objection.

3 THE COURT: I'll let her answer it.

4 A I was not supervising a police investigation, no.

5 I was there to assist, and to assist Ms. Lederer, if I
6 could be of any use.

7 Q Well, in the course of your assisting with the
8 investigation, while you were on the second floor squad room,
9 someone came in and mentioned Yusef Salaam, is that it?

10 A Yes.

11 Q And was anything said about his age at that time?

12 A No.

13 Q At that point, you didn't have any -- you didn't
14 know how old he was?

15 A No.

16 Q Did you know that he was a teenager or older? Did
17 you know that?

18 A I didn't know anything.

19 Q Nothing at all?

20 And then, at 11:30, you had a call, that there was a
21 lawyer downstairs?

22 A Not a call. Someone came in.

23 Q And told you?

24 A And said to me, particular.

25 Q You don't know who that person was?

NYCLD_015469

P-APP002609

1 Arthur Clements

2 anyone representing you from Corporation
3 Counsel?

4 A. Again, your question is about?

Q. A negative relationship or friction
between Nancy Ryan and Linda Fairstein.

A. No, I had not heard that.

11 MR. MYERBERG: Objection.

12 A. I don't know specifically whether
13 that is accurate or not from my perspective. It
14 was assigned to Elizabeth Lederer.

15 Q. And to your knowledge, was Linda
16 Fairstein supervising Elizabeth Lederer?

17 MR. MYERBERG: Objection.

18 A. NO.

19 Q. What was your understanding of her
20 involvement in the case prior to the arraignment
21 of Linda Fairstein's involvement prior to the
22 arraignment?

23 A. I don't know if I ~~saw~~ I think Linda
24 Fairstein was at the precinct, but that the case
25 was assigned to Elizabeth Lederer.

1 Arthur Clements

2 make you think that it was a bad idea? Were you
3 worried that it's not appropriate or not a good
4 thing to take statements from kids that are that
5 young?

6 MR. MYERBERG: Objection.

7 A. No, I didn't have any concern about
8 that. The statements were being taken in the
9 youth room with parents or guardians present.

10 Q. Did it ever cross your mind that
11 these were young children, did you ever think of
12 them in that way?

13 MR. MYERBERG: Again, up to
14 arraignment or at that time?

15 MS. FISHER-BYRIALSEN: At that
16 time.

17 MR. MYERBERG: Objection.

18 A. No, I didn't have any concern. To
19 the extent I knew their ages, I knew statements
20 were being taken by people who were less than
21 16.

22 Q. We talked about where the case was
23 assigned earlier, and I asked you if ADA
24 Fairstein was supervising ADA Lederer and you
25 said no. Do you know if anyone was supervising

Arthur Clements

2 her, anyone at all from the DA's office?

MR. MYERBERG: Objection.

4 I think I testified earlier that I
5 did not, I did not know specifically, you know,
6 what Linda Fairstein's role at the precinct was,
7 but that from my perspective, ADA Lederer was
8 assigned to the case. So her supervisor would
9 have been our boss, John Hogan, the Chief of
10 Trial Bureau 40.

11 Q. During your first period at the
12 24th Precinct up to the interview of or up to
13 the conclusion of the statement by Clarence
14 Thomas, did you ever see John Hogan at the
15 precinct?

16 A. No.

17 Q. Did you ever see any other
18 supervisors from Trial Bureau 40 at the
19 precinct? You mentioned earlier there was one
20 other person other than John Hogan.

MR. MYERBERG: Objection.

22 Q. Dan McNulty, did you ever see him
23 at the precinct?

24 MR. MYERBERG: Objection.

A. No, I did not see Dan McNulty at

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Arthur Clements

2 the precinct but I wouldn't have expected to see
3 him there.

4 Q. Why not?

5 A. Because Elizabeth Lederer was
6 qualified to handle homicide cases, and
7 Assistants who went to precincts on, you know,
8 homicide call typically did not have supervisors
9 with them at the precinct, they handled that on
10 their own.

Q. In regards to this case at that time, did you think of her as your superior?

13 A. Who?

14 Q. ADA Lederer.

15 A. At that time in 1989, I thought
16 that John Hogan and Dan McNulty and another
17 deputy bureau chief, if there was one, were my
18 supervisors.

19 (Mr. Warren entered the room.)

20 MS. FISHER-BYRIALSEN: Just for the
21 record, Michael Warren just came in. This
22 is Mr. Clements.

MR. WARREN: Yes, we met.

24 MS. FISHER-BYRIALSEN: Just let the
25 record reflect Mr. Warren is here.

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P-APP002613

E. LEDRER

Page 777

1	Yusef was in the group, and Raymond said	13:37:41
2	Kevin. To me, saying everybody charged	13:37:46
3	her and identifying names, Steve, Raymond	13:37:50
4	and Kevin is not a troubling discrepancy.	13:37:54
5	They're saying everybody did it.	13:38:04
6	Q. When you say not a troubling	13:38:06
7	discrepancy, would you agree that there	13:38:09
8	was a discrepancy in the accounts?	13:38:11
9	MS. DOLLIN: Objection to form.	13:38:16
10	A. I think I already said that	13:38:17
11	there were differences between one	13:38:19
12	statement and the next, and I'm happy to	13:38:20
13	explain why those were not significant to	13:38:22
14	me at the time or today if you want me to.	13:38:26
15	Q. So, so do you then agree that	13:38:30
16	with respect to all the aspects of the	13:38:47
17	crime mentioned in paragraph 86, that	13:38:52
18	there were, that the statements by the	13:38:54
19	five defendants give different accounts	13:38:58
20	with respect to each of those five,	13:39:01
21	whether you regard them as significant or,	13:39:06
22	you know, troubling or whatever.	13:39:08
23	I'm just asking whether you	13:39:09
24	agree that with respect to who initiated	13:39:11
25	the attack, who knocked the victim down,	13:39:14

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P-APP002614

Linda Fairstein

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1	meeting his father. I saw Raymond	16:47:16
2	Santana's father that morning, the morning	16:47:20
3	seven to nine a.m. at the 24th Precinct.	16:47:24
4	I believe I saw other parents.	16:47:36
5	I know I saw other parents at hours	16:47:40
6	throughout the day of the 21st and other	16:47:43
7	young men. I saw Michael Briscoe, I	16:47:48
8	remember distinctly, and I believe family	16:47:53
9	members of his.	16:47:56
10	Q. Did you know that Raymond	16:48:00
11	Santana had to be re-interviewed because a	16:48:02
12	parent was not present?	16:48:05
13	MS. DAITZ: Objection to form.	16:48:08
14	A. Did I learn that Raymond Santana	16:48:14
15	had to be re-interviewed when, what day,	16:48:17
16	what time, I don't know.	16:48:20
17	Q. Whenever he was interviewed,	16:48:22
18	particularly on the 19th.	16:48:25
19	MS. DAITZ: Your personal	16:48:26
20	knowledge prior to arraignment is what	16:48:27
21	he's asking you. At the precinct, did you	16:48:30
22	come to learn the fact as Mr. Beldock just	16:48:32
23	characterized it.	16:48:35
24	A. I didn't have any personal	16:48:36
25	knowledge of what happened on the 19th	16:48:39

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P-APP002615

Linda Fairstein

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1	before -- on the 19th, no.	16:48:41
2	Q. Nobody gave you any information	16:48:45
3	about what happened on the 19th?	16:48:48
4	MS. DAITZ: Objection to form.	16:48:49
5	You can answer.	16:48:50
6	A. The information that was being	16:48:51
7	given was being given to Ms. Lederer who	16:48:52
8	was the prosecutor in charge of the	16:48:55
9	investigation.	16:48:57
10	Q. You didn't get that information	16:48:58
11	as well?	16:48:59
12	A. I got some of the information.	16:48:59
13	She was doing her job. It wasn't as	16:49:02
14	though she was coming to me to tell me	16:49:05
15	everything.	16:49:08
16	Q. So did you learn anything about	16:49:08
17	what happened on the 19th?	16:49:11
18	A. Anything about what happened on	16:49:12
19	the 19th, yes, I previously answered.	16:49:13
20	Q. I'm talking about questioning of	16:49:15
21	any of the young men.	16:49:22
22	A. I don't recall now being told	16:49:24
23	any specifics.	16:49:27
24	Q. Okay. Back on the 20th at the	16:49:29
25	20th Precinct, what were you doing for	16:49:39

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P-APP002616

Linda Fairstein

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1 three and a half hours that you were 16:49:49
 2 there? 16:49:51

3 A. I was trying to facilitate what 16:49:51
 4 Ms. Lederer needed to do. So I spent a 16:49:59
 5 lot of time on the phone. 16:50:03

6 Q. When I said three and a half 16:50:04
 7 hours, I think it's probably more like 16:50:06
 8 four hours, right, 8:30 to 12:30? 16:50:09

9 A. 8:30 to 11:30, it was three 16:50:12
 10 hours because, as you know, at 11:30 I 16:50:16
 11 became involved with another issue. 16:50:19

12 Q. You're giving us to understand, 16:50:21
 13 and you'll correct me if I'm wrong, that 16:50:27
 14 you had no supervisory involvement in Ms. 16:50:30
 15 Lederer's work at the 20th Precinct; is 16:50:34
 16 that correct? 16:50:38

17 MS. DAITZ: Objection to form. 16:50:38

18 A. Those are not my words. That's 16:50:39
 19 not the impression I'm trying to create. 16:50:44

20 Q. Were you supervising the 16:50:47
 21 investigation? 16:50:49

22 A. No, I was not doing that. 16:50:50

23 Q. Were you the senior District 16:50:52
 24 Attorney there? 16:50:54

25 A. I was the Senior Assistant 16:50:54

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Linda Fairstein

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1 District Attorney there for, as I've 16:50:58
2 testified at the trial, administrative 16:51:02
3 purposes. I was not there -- I assigned 16:51:05
4 Ms. Lederer because she did not need at 16:51:07
5 the precinct a legal supervisor. 16:51:10

6 Q. Were you participating in the 16:51:13
7 investigation? 16:51:15

8 A. As of 11:30 that night, I was 16:51:18
9 not participating in any part. 16:51:22

10 Q. As of 8:30 that night? 16:51:24

11 A. I'm sorry, from 8:30 to 11:30, 16:51:26
12 no. I set Ms. Lederer up. I began to 16:51:30
13 make phone calls to expedite her work. 16:51:33

14 Q. The phone calls were to 16:51:36
15 Morgenthau? 16:51:38

16 A. Several to Morgenthau, several 16:51:39
17 to and from John Hogan, her Bureau Chief. 16:51:41
18 I spent time on the phone with one of the 16:51:46
19 neurosurgeons at Metropolitan Hospital. I 16:51:50
20 spent a lot of time on the telephone with 16:51:54
21 one of Ms. Meili's brothers. 16:51:59

22 O. on on. 16.52.04

23 A. I spent time on the phone with 16:52:11
24 the desk at the 24th Precinct inquiring 16:52:15
25 about the designated youth room there and 16:52:18

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Linda Fairstein

		Page 265
1	whether we could clear -- whether they	16:52:20
2	could clear for Ms. Lederer and Mr.	16:52:23
3	Clements the youth room, and could handle	16:52:26
4	the operation if we moved it to their	16:52:30
5	precinct.	16:52:35
6	Q. Anyone else you were talking to?	16:52:35
7	A. Possibly, but I don't recall.	16:52:38
8	Q. Let me show you an exhibit	16:52:40
9	that's been premarked as 5.	16:52:45
10	MS. DAITZ: Thank you.	16:53:00
11	Q. Do you recognize --	16:53:05
12	A. Just a minute.	16:53:07
13	MS. DAITZ: Fairstein Exhibit 5	16:53:11
14	is a one-page document, NYC025732.	16:53:14
15	Q. This --	16:53:25
16	A. Just a minute. I'm having	16:53:26
17	trouble with the handwriting. Just let me	16:53:29
18	read it and I'll answer your questions,	16:53:31
19	please. Okay, yes.	16:53:33
20	Q. This --	16:53:48
21	MR. BELDOCK: Withdrawn.	16:53:50
22	Q. You said you spent some time	16:53:51
23	talking to a doctor, right?	16:53:52
24	A. Yes.	16:53:54
25	Q. This document is not the doctor	16:53:55

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P-APP002619

E. LEDRER

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1	Monday, I think.	12:00:03
2	A. I remember going that morning.	12:00:06
3	I don't, as I sit here, know whether I	12:00:12
4	went another time or not. But I don't	12:00:17
5	believe I went a second time before	12:00:20
6	concluding the videotaped statements.	12:00:23
7	Q. Right. Your going to the crime	12:00:28
8	scene occurred in the course of you taking	12:00:32
9	these videotaped statements, correct?	12:00:35
10	MS. DOLLIN: Objection.	12:00:38
11	Q. In other words, you took some	12:00:38
12	before you went to the crime scene and you	12:00:41
13	took some after you went to the crime	12:00:43
14	scene, correct?	12:00:45
15	A. That's correct.	12:00:46
16	Q. What was your purpose in going	12:00:46
17	to the crime scene?	12:00:48
18	A. I went to the crime scene to	12:00:50
19	familiarize myself with the location where	12:01:01
20	the crime occurred.	12:01:07
21	Q. Are you finished?	12:01:15
22	A. I think so.	12:01:16
23	Q. At the point you went to the	12:01:16
24	crime scene, you had heard from -- you had	12:01:18
25	interviewed several of the young boys, and	12:01:21

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P-APP002620

E. LEDRER

Page 703

1	at least some of them had told you that	12:01:25
2	the, had placed the attack on the jogger	12:01:29
3	at the reservoir, correct?	12:01:33
4	MS. DOLLIN: Objection to form.	12:01:35
5	A. I don't believe that any	12:01:37
6	statement, and without looking at the	12:01:47
7	transcripts or the statements, I can't say	12:01:50
8	for sure, but I don't think that any of	12:01:53
9	the statements made by the young men say	12:01:56
10	this happened at the reservoir. I believe	12:01:59
11	that in the Q and A, there are several	12:02:02
12	questions and several answers about the	12:02:09
13	location.	12:02:11
14	And I think that that's true in	12:02:12
15	almost all of the videotaped statements,	12:02:14
16	that it's not a one-word answer, there's	12:02:17
17	some description.	12:02:20
18	And as I sit here today, I don't	12:02:21
19	believe anybody simply said at the	12:02:25
20	reservoir.	12:02:27
21	Q. Is it your understanding that	12:02:28
22	Antron McCray allegedly placed the	12:02:30
23	location of the assault on Patricia Meili	12:02:34
24	at the reservoir?	12:02:36
25	A. As I said before, I would have	12:02:39

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P-APP002621

E. LEDRER

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1	to look at the statements again. I don't	12:02:42
2	believe the answer given by Antron McCray	12:02:45
3	about the location of the attack on	12:02:49
4	Patricia Meili was simply the words that	12:02:50
5	it was at the reservoir.	12:02:53
6	I believe in the videotaped	12:02:55
7	statement that I took, I think that I had	12:03:00
8	asked him more questions about the	12:03:02
9	location.	12:03:04
10	Q. What about Raymond Santana, did	12:03:06
11	he place the, allegedly place the location	12:03:08
12	of the assault of Patricia Meili at the	12:03:12
13	reservoir, do you recall that?	12:03:15
14	MS. DOLLIN: Objection to form.	12:03:17
15	A. As I sit here today, I don't	12:03:18
16	remember where Raymond Santana put it.	12:03:24
17	Q. The location of this crime,	12:03:26
18	where somebody put the location of the	12:03:28
19	crime would be a pretty important fact in	12:03:30
20	the course of the investigation, right?	12:03:33
21	MS. DOLLIN: Objection.	12:03:34
22	A. I'm sorry, can you repeat the	12:03:35
23	question?	12:03:40
24	Q. Right. In the course of	12:03:40
25	interviewing numerous suspects about a	12:03:42

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P-APP002622

E. LEDRER

Page 705

1	crime, the location of that crime would be	12:03:46
2	an important fact to establish, correct?	12:03:49
3	A. It would be one of many facts to	12:03:52
4	establish, yes.	12:03:56
5	Q. It would be one of the important	12:03:57
6	facts, the location of the crime, correct?	12:03:59
7	MS. DOLLIN: Objection to form.	12:04:00
8	A. I could imagine that in some	12:04:01
9	cases the location might not be important.	12:04:04
10	Q. You don't believe the location	12:04:06
11	in this case would have been an important	12:04:08
12	fact?	12:04:11
13	MS. DOLLIN: Objection to form.	12:04:11
14	A. In this case, I believe it was	12:04:13
15	one of the important facts.	12:04:17
16	Q. Right. And you knew, you knew,	12:04:18
17	did you not, before a decision was made to	12:04:21
18	charge these young men for rape that there	12:04:25
19	had been varying accounts as to where, as	12:04:28
20	to the location where the attack on	12:04:30
21	Patricia Meili took place, you knew that,	12:04:33
22	did you not?	12:04:36
23	A. When I took the videotaped	12:04:37
24	statements, the descriptions of the	12:04:46
25	locations of that crime and other crimes	12:04:52

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P-APP002623

E. LEDRER

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1	were described in terms of roadways and	12:04:56
2	pathways, and it was often confusing to	12:04:59
3	understand --	12:05:05
4	Q. Nobody used the term reservoir?	12:05:06
5	MS. DOLLIN: Objection. Asked	12:05:08
6	and answered.	12:05:09
7	A. Can I finish my answer?	12:05:10
8	Q. I'm asking, I want to know	12:05:11
9	whether anybody used the term reservoir,	12:05:13
10	any of the young boys when they indicated	12:05:16
11	the location of the attack on Patricia	12:05:20
12	Meili, do you recall that?	12:05:22
13	MS. DOLLIN: Objection.	12:05:24
14	A. I didn't finish the answer to	12:05:24
15	the last question.	12:05:26
16	Q. All right.	12:05:27
17	THE WITNESS: Can you read that	12:05:28
18	back, please?	12:05:29
19	MR. MOORE: Actually, I'm going	12:05:36
20	to withdraw that question.	12:05:37
21	Q. Let me ask you this question.	12:05:38
22	Was there confusion in your mind, after	12:05:41
23	having done several of the interviews, as	12:05:43
24	to the location of where the attack on	12:05:46
25	Patricia Meili took place, was there any	12:05:48

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P-APP002624

E. LEDRER

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1	confusion in your mind at the time?	12:05:50
2	A. Well, I'm not sure how to answer	12:05:52
3	that. The attack covered close to 300	12:05:57
4	feet of ground, and some of the	12:06:04
5	statements, like the statement of Kharey	12:06:08
6	Wise describing the waterfall and the fire	12:06:11
7	reflect exactly where the body was found.	12:06:16
8	Some of the statements describe	12:06:20
9	the young men coming over the ball fields	12:06:23
10	onto the 102nd Street Cross Drive, which	12:06:25
11	is right north of the Cross Drive. And	12:06:29
12	some used points of reference as roadways.	12:06:32
13	There was obvious confusion when	12:06:37
14	we were trying to determine when someone	12:06:40
15	said a roadway whether it was the roadway	12:06:42
16	where the cars, meaning the 96th or 97th	12:06:45
17	Street Transverse or whether it was the	12:06:49
18	West Drive or the East Drive --	12:06:51
19	Q. Are you finished?	12:06:53
20	A. No.	12:06:54
21	Q. All right. I really wish you	12:06:55
22	would just try to answer the question as	12:06:56
23	succinctly as you can, because you just go	12:06:58
24	on and on and on.	12:07:01
25	MS. DOLLIN: Mr. Moore, would	12:07:02

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P-APP002625

E. LEDRER

Page 708

1	you just allow my client to answer.	12:07:04
2	Q. And we don't have a lot of time,	12:07:05
3	we don't have unlimited time. Let me just	12:07:06
4	--	12:07:08
5	A. Can I just finish just the rest	12:07:08
6	of the sentence?	12:07:09
7	Q. Can you tell me whether there	12:07:10
8	was any confusion in your mind as to	12:07:11
9	whether the rape took place near the	12:07:13
10	reservoir or near, north of the 102nd	12:07:16
11	Street Transverse, was there any confusion	12:07:19
12	in your mind at any point before the	12:07:20
13	decision was made to charge, to arrest any	12:07:22
14	of these young boys for rape?	12:07:24
15	MS. DOLLIN: You can finish your	12:07:26
16	answer.	12:07:28
17	A. There was -- I don't think that	12:07:28
18	I knew enough of the evidence to know	12:07:36
19	where the attack had happened while I was	12:07:41
20	at the precinct.	12:07:43
21	Q. So your answer is that there was	12:07:44
22	no confusion in your mind, correct?	12:07:46
23	MS. DOLLIN: Objection to the	12:07:48
24	form.	12:07:49
25	A. That's not my answer.	12:07:49

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P-APP002626

E. LEDRER

Page 709

1	Q. Well, that was the question.	12:07:51
2	Can you answer that question, was there	12:07:52
3	any confusion in your mind, did you have	12:07:53
4	any doubt in your mind at any point until	12:07:56
5	these young boys were arrested for rape as	12:07:58
6	to whether the rape took place near the	12:08:01
7	reservoir or north of 102nd Street	12:08:04
8	Transverse?	12:08:07
9	MS. DOLLIN: Objection. You can	12:08:07
10	answer.	12:08:09
11	A. While I was taking the	12:08:09
12	videotaped statements, the important	12:08:13
13	information for me was whether or not each	12:08:16
14	of the young men admitted participating in	12:08:19
15	the attack on Patricia Meili.	12:08:21
16	That was paramount in my mind at	12:08:23
17	the time we were at the precincts. The	12:08:27
18	location of the attack was less	12:08:29
19	significant than the criminal acts	12:08:31
20	themselves.	12:08:35
21	Q. That doesn't answer the	12:08:35
22	question. The question was, was there	12:08:37
23	some confusion in your mind as to whether	12:08:38
24	some kids were saying it happened at the	12:08:41
25	reservoir or some said it happened north	12:08:44

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P-APP002627

E. LEDRER

Page 710

1	of the 102nd Street Transverse before the	12:08:46
2	decision was made to arrest these, anybody	12:08:48
3	for rape of Patricia Meili.	12:08:50
4	It's a very simple question.	12:08:53
5	Did you have different -- were the boys	12:08:55
6	saying different things as to the location	12:09:01
7	of the assault on Patricia Meili?	12:09:04
8	MS. DOLLIN: Objection. That	12:09:06
9	was asked and answered. Go ahead.	12:09:07
10	A. Are you asking me in 1989 when I	12:09:09
11	was at the 20 and 24 whether there was any	12:09:12
12	confusion in my mind at that time?	12:09:17
13	Q. Yes.	12:09:19
14	A. And the answer is, I wasn't	12:09:20
15	focussing on that. I was focussing on	12:09:22
16	criminal responsibility for the attack	12:09:25
17	which came in the form of their admissions	12:09:26
18	of what they themselves had done. That	12:09:29
19	was the focus at that time.	12:09:32
20	Q. So the answer is there was no	12:09:34
21	confusion in your mind about the location?	12:09:36
22	MS. DOLLIN: Objection.	12:09:39
23	A. I don't think that's a fair	12:09:40
24	statement of what I'm telling you.	12:09:41
25	Q. That was the question. If you	12:09:42

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P-APP002628

E. LEDRER

Page 711

1	can't answer it, you can't answer it.	12:09:44
2	Either you had some confusion in	12:09:47
3	your mind --	12:09:50
4	MR. MOORE: Let me withdraw it.	12:09:50
5	Let me ask it this way.	12:09:52
6	Q. Did you receive information that	12:09:55
7	contradicted the information you had in	12:09:56
8	terms of where the location of the rape	12:09:59
9	took place, did you receive information	12:10:02
10	that was contradictory?	12:10:05
11	In other words, did some people	12:10:08
12	say it took place near the reservoir and	12:10:09
13	some boys said it took place north of the	12:10:12
14	102nd Street Transverse prior to the	12:10:15
15	decision to charge, to arrest anybody for	12:10:17
16	rape?	12:10:19
17	MS. DOLLIN: Objection. That	12:10:21
18	question was asked and answered, but you	12:10:22
19	can answer it again.	12:10:25
20	A. The videotaped statements that I	12:10:26
21	took gave different descriptions of where	12:10:28
22	the crime happened. But you're asking me	12:10:36
23	if I was confused at the time, and I can	12:10:40
24	say I wasn't focussing on that so I can't	12:10:42
25	say yes, I was confused or no, I wasn't.	12:10:45

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P-APP002629

E. LEDRER

Page 712

1	It was not the primary focus of, it was	12:10:48
2	not my primary focus.	12:10:54
3	Q. Well, if you have two people who	12:10:57
4	are being investigated for the same crime	12:11:00
5	and one says it happened at one location	12:11:04
6	and one says it happened at another	12:11:05
7	location, doesn't that raise, wouldn't	12:11:07
8	that raise some concern for you about	12:11:09
9	whether you're getting an accurate	12:11:11
10	statement about somebody's participation?	12:11:14
11	A. At what point?	12:11:19
12	Q. At the point you get involved	12:11:20
13	and you're looking at it, you're taking	12:11:22
14	statements.	12:11:25
15	A. If two people experience an	12:11:26
16	event, they often describe it differently	12:11:28
17	because different things catch their	12:11:31
18	attention. They remember different	12:11:34
19	things, and the way they describe it in	12:11:36
20	recalling it is different.	12:11:38
21	As I think I testified earlier,	12:11:39
22	the crime scene in Central Park was	12:11:44
23	particularly difficult because --	12:11:49
24	Q. Right.	12:11:51
25	A. -- it's trees --	12:11:52

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P-APP002630

E. LEDRER

Page 713

1	Q. I'm going to have to interrupt	12:11:54
2	you at this point. All right, let me ask	12:11:56
3	it this way because you're going to go on	12:11:58
4	and on and on.	12:12:01
5	If somebody said a crime	12:12:02
6	occurred at 42nd Street and someone said	12:12:04
7	the crime occurred at 34th Street, would	12:12:07
8	that raise any -- and both were alleged to	12:12:10
9	be involved in the same crime, would that,	12:12:11
10	would that, as a prosecutor, would that	12:12:14
11	give you any concern as to whether the	12:12:16
12	statements that are being made are	12:12:18
13	truthful?	12:12:20
14	MS. DOLLIN: Objection.	12:12:21
15	A. I think part of the trouble for	12:12:21
16	me is if each of those two people admitted	12:12:24
17	killing the same person, and one person	12:12:29
18	said it happened at 42nd Street and one	12:12:31
19	person said it happened at 34th Street, at	12:12:33
20	the point of arrest, that would be a less	12:12:36
21	significant contradiction than the fact	12:12:38
22	that they admitted together killing him.	12:12:41
23	Q. So the location, what they're	12:12:45
24	admitting to as the location wouldn't be a	12:12:47
25	significant fact for you?	12:12:49

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P-APP002631

E. LEDRER

Page 714

1	MS. DOLLIN: Objection to form.	12:12:50
2	A. At the time that I was at the	12:12:51
3	station, and at the time that the decision	12:12:53
4	was being made to arrest these young men,	12:12:55
5	the location was not as significant as the	12:12:58
6	admissions they were making.	12:13:04
7	Q. So all you were concerned about	12:13:06
8	was the fact that they had admitted their	12:13:08
9	involvement in the rape. It didn't matter	12:13:12
10	what the location was. It didn't matter	12:13:15
11	if there were inconsistencies in terms of	12:13:18
12	who assaulted her. It didn't matter if	12:13:19
13	there were inconsistencies in terms of	12:13:22
14	what was used to assault her. It didn't	12:13:24
15	matter if there were inconsistencies with	12:13:27
16	regard to what she was wearing or not	12:13:29
17	wearing, any of those facts.	12:13:31
18	All you were concerned about was	12:13:32
19	that they had made admissions to a rape	12:13:33
20	and that was enough for you?	12:13:38
21	MS. DOLLIN: Objection to form.	12:13:40
22	A. In my prosecution of this case,	12:13:41
23	in the days and weeks after arraignment, a	12:13:44
24	lot of work was done. And I believe	12:13:46
25	you're asking me about what was done prior	12:13:50

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